

Zambia

Prisons Act, 1965

Chapter 97

Legislation as at 31 December 1996

FRBR URI: /akn/zm/act/1965/56/eng@1996-12-31

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Zambia

Prisons Act, 1965

Chapter 97

Commenced on 31 October 1966

[This is the version of this document as it was at 31 December 1996 to 31 August 2000.]

[56 of 1965; 13 of 1994; [Statutory instrument 48 of 1974](#)]

An Act to provide for the establishment of prisons, for a prison service, for the discipline of prison officers, for the management and control of prisons and prisoners lodged therein; to provide for youth corrective training centres and extra-mural penal employment; to provide for compulsory after care orders; and to provide for matters incidental to or connected with the foregoing.

Part I – Preliminary

1. Short title

This Act may be cited as the Prisons Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"**appellant prisoner**" means any convicted criminal prisoner who is detained in prison as a result of a conviction which is the subject-matter of an appeal, notice of which has been accepted but the decision in regard to which has not been given;

"**approved school**" has the meaning assigned to it in the Juveniles Act;

[Cap. 53]

"**Assistant Commissioner**" means an assistant Commissioner of Prisons;

"**civil prisoner**" means a prisoner other than a criminal prisoner;

"**Commissioner**" means the Commissioner of Prisons;

"**Convicted criminal prisoner**" means any criminal prisoner under sentence of a court or court-martial;

"**court**" means any court or authority entitled to pass a sentence in a criminal case or to order a person to be detained in custody in any case;

"**criminal prisoner**" means any person duly committed into custody under writ, warrant or order of any court exercising criminal jurisdiction or by order of a court-martial;

"**Deputy Commissioner**" means the Deputy Commissioner of Prisons;

"**district messenger**" has the meaning assigned to it in section two of the District Messengers Act;

[Cap. 288]

"**junior officer**" means a prison officer of one of the ranks of junior officers set out in the Schedule;

"**juvenile**" means a person under the apparent age of nineteen years;

"**major prison offence**" means an offence declared to be a major prison offence under section ninety-one;

"**mechanical restraint**" means restraint by the use of handcuffs, leg irons, straight jacket, or any other form of restraint approved by the Minister;

"**medical officer**" means a person appointed or nominated or engaged as medical officer of a prison under section sixteen;

"**minor prison offence**" means an offence declared to be a minor prison offence under section ninety;

"**officer in charge**" means the person appointed to be in charge of a prison in pursuance of the provisions of section five;

"**official visitor**" means a person appointed as such under section one hundred and twenty-eight;

"**penal diet**" means such penal diet as may be prescribed in rules made under section one hundred and forty-six;

"**prison**" means any building, enclosure or place or part thereof, declared to be a prison under section three, or deemed to have been so established as provided in section one hundred and forty-seven and includes a temporary prison established under section four and a youth corrective centre deemed to be a prison under section one hundred and thirty-three;

"**prison offence**" means a minor prison offence or a major prison offence;

"**prison officer**" means any member of the Service and includes any public officer seconded to the Service;

"**prisoner**" means any person, whether convicted or not, under detention in any prison;

"**probation officer**" means a probation officer appointed under the Probation of Offenders Act;

[Cap. 93]

"**prohibited article**" means any article which is not issued to any prisoner by authority of the officer in charge, with the approval of the Commissioner, or an article the introduction or removal of which into or out of a prison is prohibited by this Act or by any rule made thereunder;

"**receiving centre**" has the meaning assigned to it in the Juveniles Act;

[Cap. 53]

"**reduced diet**" means such punishment diet as may be prescribed in rules made under section one hundred and forty-six;

"**reformatory**" has the meaning assigned to it in the Juveniles Act;

[Cap. 53]

"**senior officer**" means a prison officer of one of the ranks of senior officers set out in the Schedule;

"**the Service**" means the Zambia Prison Service established under section eight;

"**subordinate officer**" means a prison officer of one of the ranks of subordinate officers set out in the Schedule and includes any person into whose custody prisoners are given under subsection (5) of section seventy-one;

"**unconvicted prisoner**" means any person, not being a convicted prisoner, duly committed to custody under a writ, warrant, or order of any court or any order of detention issued by any person authorised thereto by any law, or by order of a court-martial;

"**visiting justice**" means a visiting justice specified in section one hundred and twenty-four or one hundred and twenty-five;

"**weapon**" means any firearm, baton, tear smoke, or such other instrument as may be prescribed;

"**young prisoner**" means a prisoner under the apparent age of twenty years;

"**youth corrective centre**" means any building, enclosure or place, or any part thereof declared to be a youth corrective centre under section one hundred and thirty-three.

Part II – Establishment and control of prisons

3. Declaration of prisons

- (1) The Minister may, by *Gazette* notice, declare any building, enclosure or place, or any part thereof, to be a prison, and may, in a like manner, declare that any prison shall cease to be a prison.
- (2) Every prison shall include the grounds and buildings within the prison enclosure and also any other grounds or buildings belonging or attached thereto and used by prisoners or the staff of the prison.
- (3) In any writ, warrant or other legal instrument in which it may be necessary to describe a particular prison, any description designating a prison by reference to the name of the place or town where it is situated, or other definite description, shall be valid and sufficient for all purposes.

4. Temporary prisons

- (1) Whenever—
 - (a) it appears to the Commissioner that the number of prisoners in any prison is greater than can be conveniently kept therein and that it is not convenient to transfer the excess number to some other prison; or
 - (b) owing to the outbreak of epidemic disease within a prison or for any other reason, it is desirable to provide for the temporary shelter or safe custody of any prisoners; the Commissioner may establish a temporary prison in any building, enclosure or place, or part thereof.
- (2) Such provision shall be made as the Commissioner, with the approval of the Minister, may direct for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.
- (3) The Commissioner may cancel the establishment of a temporary prison.

5. Officer in charge

- (1) Subject to the provisions of section thirteen, in every prison there shall be an officer in charge of the prison who shall be designated "the officer in charge" and who shall be appointed by the Commissioner.
- (2) Every officer in charge shall supervise and control all matters in connection with the prison to which he is appointed, and shall keep or cause to be kept such records as the Commissioner may from time to time direct and shall be responsible to the Commissioner for the conduct and treatment of prison officers and prisoners under his control, and for the due observance by such officers and prisoners of the provisions of this Act and of all rules, directions and orders made or given thereunder.
- (3) Every officer in charge shall be responsible for the safe custody of arms, accoutrements, ammunition, clothing and all other public stores and foodstuffs issued and delivered for the use of the prison, the prison officers and the prisoners under his control, and all public money for which he may be held accountable, and also, subject to the provisions of this Act and of any rules made thereunder, for all valuables, money, articles of clothing and other property entrusted to his keeping as being the property of prisoners, and shall account for the same in the event of their being lost or damaged otherwise than by unavoidable accident, theft, robbery or lawful use.

6. Police officers may act as prison officers

- (1) Where in any prison the number of prison officers detailed for duty therein is insufficient to secure the good management and government thereof, it shall be lawful for the officer in charge of such

prison, with the consent of the Commissioner of Police, to employ temporarily such number of police officers as he may consider necessary to secure the good management and government of the prison.

- (2) A police officer temporarily employed in pursuance of the provisions of subsection (1) shall exercise and perform in the prison concerned the functions of a prison officer of the rank specified by the officer in charge and shall, for the purposes of this Act, be deemed to be a prison officer of that rank:

Provided that no such police officer shall by reason of this section be a member of the Service.

- (3) A police officer to whom a prisoner is delivered under any provision of this Act shall, while the prisoner is in his charge or custody have the same powers and be subject to the same responsibilities, discipline and penalties and to the same authorities as a prison officer would have and be subject to in like circumstances.

7. Women prison officers and women prisoners

In every prison in which women prisoners are imprisoned there shall be women prison officers who shall have the care and the superintendence of the women prisoners, and who shall be responsible for their discipline.

Part III – Constitution and administration

8. Zambia Prison Service

There is hereby established a police force to be known as the Zambia Prison Service for the management and control of prisons and prisoners lodged therein.

9. Membership of Service

- (1) The Service shall consist of persons appointed to or deemed under this Act to have been appointed to any of the ranks set out in the Schedule.
- (2) The Minister may, by statutory instrument, amend the Schedule.

10. Commissioner of Prisons

- (1) There shall be a Commissioner of Prisons who shall be a public officer.
- (2) The administration of the Service and the control and supervision of all prisoners shall be vested in the Commissioner, subject to the direction of the Minister.

11. Commissioner empowered to make standing orders

The Commissioner may, subject to the provisions of this Act, make standing orders and give administrative directions for observance by all prison officers.

12. Functions of Deputy Commissioner and delegation to Assistant Commissioner

- (1) The person holding the office of Deputy Commissioner of Prisons may, subject to any orders or directions of the Commissioner, exercise and perform all or any of the functions of the Commissioner.
- (2) The Commissioner may, unless a contrary intention appears in this Act or any other written law, delegate any of his functions to any person holding the office of an Assistant Commissioner.

13. Charge of prison in which no officer in charge appointed

- (1) Where an officer in charge has not been appointed for a prison, the prison shall, until a prison officer is appointed to be officer in charge thereof, be in the charge of such public officer as the Minister may designate and the person so designated shall, in matters relating to the prison and prisoners, be subject to the orders and directions of the Commissioner and shall be deemed to be the officer in charge of the prison and shall for that purpose have all the functions conferred and imposed by this Act upon an officer in charge, subject to any express limitations of those functions imposed by the Commissioner.
- (2) The Commissioner may authorise the employment of district messengers in any such prison as is mentioned in subsection (1) as prison officers for the purpose of this Act and, when employed in such capacity, such district messengers shall be deemed, in matters relating to the prison and prisoners, to be prison officers of such rank as the Commissioner may specify for the purpose of this Act and shall for that purpose have all the functions conferred and imposed by this Act upon a prison officer of that rank:

Provided that no such district messenger shall by reason of this section be a member of the Service.

14. Payments due to prison officers and other persons employed in prisons leaving the prison service may be set off

A sum due to a prison officer or other person employed in prisons or to his estate by way of salary, refund of pension contributions, pension or any other benefit whatsoever may be set off against a sum payable to the Government by the prison officer or other person employed in prisons on or at the time of his retirement, resignation, loss of office, death, discharge or other termination of service, as the case may be.

15. Minister may appoint committee of inquiry

- (1) The Minister may, whenever he deems it necessary or desirable, appoint a committee of two or more persons of whom—
 - (a) one shall be the Commissioner or the Deputy Commissioner or an Assistant Commissioner;
 - (b) the other or others shall be an officer or officers of the public service;to inquire into and report to him on the conduct, management or administration of any prison or any matter connected therewith or incidental thereto.
- (2) For the purposes of any such inquiry as aforesaid, a committee appointed under subsection (1) shall have the powers, rights and privileges conferred upon commissioners by the Inquiries Act, and the provisions of that Act shall *mutatis mutandis* apply to any inquiry by a committee under this section and to any person summoned to give evidence or giving evidence before it.

[Cap. 41]

Part IV – Appointment and duties of medical officers

16. Medical officers

- (1) The Minister may appoint as medical officer of a prison any medical practitioner.
- (2) In default of any appointment under subsection (1), a Government medical officer in the district in which a prison is situated and nominated for duty as medical officer of the prison by the Director of Medical Services shall be the medical officer of the prison.
- (3) During any period the medical officer appointed or nominated as medical officer of a prison is absent or is not available for duty, the officer in charge of the prison may engage temporarily any medical practitioner as medical officer and the medical practitioner so engaged shall exercise and

perform in the prison the functions of a medical officer and shall, for the purposes of this Act, be deemed to be the medical officer.

17. Duties of medical officers

- (1) Subject to the provisions of this Act, the medical officer shall have the general care of the health of prisoners and shall visit the prison daily where practicable or when called upon by the officer in charge.
- (2) The medical officer shall report to the officer in charge any circumstances connected with the prison or the treatment of prisoners which appear to him to require consideration on medical or health grounds.

18. Medical inspection

- (1) The medical officer shall, where practicable, ensure that every prisoner is medically examined on admission to and before discharge from a prison, and shall perform such other duties as may be prescribed, and shall ensure that a record is kept of the state of health of every prisoner.
- (2) Until he has been examined by the medical officer, every prisoner on admission shall, so far as practicable, be kept apart from other prisoners.

19. Observation of prisoners charged with capital offence

The medical officer shall observe the mental condition of all prisoners under sentence of death or charged with a capital offence and, for this purpose, shall personally examine those prisoners on every day on which he visits the prison, and shall furnish reports on those prisoners to the officer in charge in such form and at such times as may be prescribed.

20. Examination of prisoners in separate confinement or in hospital

The medical officer shall ensure that every prisoner under sentence of death, or charged with a capital offence, or in separate confinement, or in hospital in prison, is medically examined every day on which the medical officer visits the prison.

21. Powers of officer in charge to order prisoners to be examined

An officer in charge may order a prisoner to submit himself to medical examination and treatment as often as such officer thinks necessary.

22. Death of prisoner

The medical officer shall, on the death of any prisoner, otherwise than by lawful execution, record in a register to be kept for such purpose the following particulars, so far as they can be ascertained:

- (a) the day on which the deceased was sentenced;
- (b) the day on which he was admitted to prison;
- (c) the day on which he first complained of illness, or was observed to be ill, and the labour, if any, on which he was engaged on that day and the scale of his diet on that day;
- (d) whether, and if so the day on which, he was admitted to hospital;
- (e) the day on which the medical officer or his subordinate was first informed of the illness;
- (f) the nature of the disease;
- (g) when the deceased was last seen before death by the medical officer or his subordinate;

- (h) when the prisoner died and, in cases where a postmortem examination is made, an account of the appearance after death, together with any special remarks that may appear to the medical officer to be required; and
- (i) his opinion as to the cause of death.

23. Notification of death of prisoner

Upon the death of a prisoner, the officer in charge shall at once notify a magistrate or coroner, and the medical officer of the prison and shall arrange for compliance with the appropriate provisions of the Inquests Act.

[Cap. 36]

Part V – Powers, duties and privileges of prison officers

24. General powers and duties of prison officers

Every prison officer shall exercise and perform such functions as are by law conferred or imposed on prison officers of his rank and shall obey all lawful directions in respect of the execution of the duties of his office which he may from time to time receive from officers senior in rank to him.

25. Prison officer to have powers of police officer

Subject to the provisions of this Act, every prison officer while acting as such shall have all the powers, authority, protection and privileges of a police officer

26. Duties of prison officers

- (1) Every prison officer shall be deemed to be available for duty at all times and may at any time be detailed for duty in any part of Zambia.
- (2) No prison officer shall be concerned in any employment other than the duties assigned to him in accordance with the provisions of this Act.

27. Power to examine persons or vehicles

- (1) A prison officer may examine anything within, or being brought into or taken out of, a prison, and may stop and search or cause to be stopped and searched any vehicle or person within a prison, or going into or out of a prison, or, whether within or without a prison, any person who, or any vehicle which, is without authority close to a prisoner or prisoners if he has reason to suspect that such person or vehicle is carrying a prohibited article or any property belonging to the Government in use in a prison.
- (2) The senior officer on duty in a prison may refuse admission to the prison to any person who is not willing to be searched.
- (3) The senior officer on duty in a prison may order any person within a prison who refuses to be searched to leave the prison and, if such person refuses to leave, may cause him to be removed from the prison and for that purpose may use such force as may be necessary.
- (4) If, on the stopping and searching of any vehicle or person under the provisions of subsection (1), a prison officer finds any prohibited article or any property belonging to the Government in use in a prison, he may arrest that person or the person on the vehicle who appears to have charge of the article or property and shall as soon as practicable cause any such person to be made over to a police officer, or, in the absence of a police officer, to be taken to the nearest police station.

- (5) Any search of a woman under this section shall be made by another woman officer and with due regard to decency.

28. Punishment by subordinate officers

No subordinate officer shall punish a prisoner unless lawfully ordered so to do by the Commissioner or by an officer in charge.

29. Use of weapons by prison officers

- (1) Subject to the provisions of this section, a prison officer may use a weapon against—
- (a) a prisoner who is—
 - (i) escaping or attempting to escape; or
 - (ii) engaged in a combined outbreak or in an attempt to force, break open or scale the outside door, gate, fence or enclosure wall of the prison; or
 - (iii) using violence to him or another prison officer or another prisoner or other person; and
 - (b) a person who—
 - (i) whilst assisting a prisoner to escape, is using violence to the prison officer or another prison officer or other person; or
 - (ii) is engaged in a combined break-in or in an attempt to force, break open or scale the outside door, gate, fence or enclosure wall of the prison or an inside door, gate, fence or wall of the prison; or
 - (iii) whilst engaged in any activity mentioned in sub-paragraph (ii), is using violence to the prison officer or another prison officer or other person.
- (2) Resort shall not be had to the use of a weapon—
- (a) as in sub-paragraph (i) of paragraph (a) of subsection (1) is authorised, unless—
 - (i) the prison officer has reasonable grounds to believe that he cannot otherwise prevent the escape; and
 - (ii) the prison officer gives warning to the prisoner that he is about to use the weapon against him; and
 - (iii) the warning given by the prison officer is unheeded;
 - (b) as in sub-paragraph (iii) of paragraph (a) and subparagraphs (i) and (iii) of paragraph (b) of subsection (1) is authorised, unless the prison officer has reasonable grounds to believe that he or the other prison officer or other person, as the case may be, is in danger of suffering grievous bodily harm.
- (3) No prison officer shall in the presence of a prison officer senior to himself make use of a weapon as in subsection (1) is authorised, except on the orders of the senior prison officer.
- (4) In every case when force is used a prison officer shall use the minimum force necessary in the circumstances and the use of weapons, in pursuance of the provisions of this section, shall be as far as possible to disable and not to kill.

30. Prison officer's power to arrest

For the purpose of apprehending any person who may have escaped from lawful custody, a prison officer shall have power to arrest such person and to convey him to a prison and in the case of a juvenile to a receiving centre.

31. Power to take photographs, fingerprints, etc., of a prisoner

An officer in charge may cause photographs, measurements, footprints and casts thereof, palm prints and fingerprints to be taken of any prisoner by any prison officer or other person authorised by the Commissioner in that behalf, and where any prisoner refuses to permit his photographs, measurements, footprints or casts thereof, palm prints or fingerprints to be taken, the officer in charge may use or may cause to be used such force as may be necessary to secure them:

Provided that the photographs, measurements, footprints and casts thereof, palm prints and fingerprints of an unconvicted prisoner who is not subsequently convicted shall be destroyed upon the prisoner's release by the court.

32. Non-liability for act done under authority of warrant

- (1) Where the defence to any suit instituted against a prison officer is that the act complained of was done in obedience to a warrant purporting to be issued by a Judge, magistrate or other competent authority, the court shall, upon production of the warrant containing the signature of the Judge or magistrate and upon proof that the act complained of was done in obedience to such warrant, enter judgment in favour of the prison officer.
- (2) No proof of the signature of such Judge or magistrate as aforesaid shall be required unless the court has reason to doubt the genuineness thereof and, where it is proved that the signature is not genuine, any act done by the prison officer under or in pursuance of the warrant shall nevertheless be lawful and judgment shall be given in favour of the prison officer if it is proved that, at the time when the act complained of was committed, he believed on reasonable grounds that the signature was genuine.

Part VI – Offences by and in relation to prison officers

33. Mutiny or sedition

Any prison officer who mutinies and any prison officer or other person who, directly or indirectly, instigates, commands, counsels, or solicits any mutiny or sedition amongst any prison officers or prisoners or disobedience to any lawful command given by any prison officer, or who attempts to seduce any prison officer from his allegiance or duty, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding three thousand penalty units or to imprisonment for a period not exceeding two years, or both, and in addition to any such punishment shall be liable to a sentence of corporal punishment of such number, not exceeding twelve strokes with a cane, as the court specifies.

[As amended by Act [No. 13 of 1994](#)]

34. Absence from duty and desertion by prison officers

- (1) No prison officer shall withdraw himself from duty unless expressly permitted to do so by the Commissioner or by some other prison officer authorised to grant permission.
- (2) Any prison officer who withdraws himself from duty contrary to subsection (1) or deserts shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand and five hundred penalty units or to imprisonment for a period not exceeding six months, or to both.

- (3) Any prison officer who absents himself from duty without reasonable cause for a period of twenty-one days shall be deemed to be a deserter.
- (4) Any prison officer or police officer may without warrant apprehend any prison officer whom he has reason to believe is a deserter from the Service and shall take him forthwith to a police station and lay a charge against him.

[As amended by Act [No. 13 of 1994](#)]

35. Inciting prison officer to desert

Any person who by any means, directly or indirectly, procures or persuades, or attempts to procure or persuade, any prison officer to desert, or who aids, abets, or is accessory to the desertion of any prison officer or who harbours such deserter, or aids him in concealing himself or assists in his rescue, shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one thousand and five hundred penalty units or to imprisonment for a period not exceeding six months, or to both.

[As amended by Act [No. 13 of 1994](#)]

36. Assault on officer senior in rank

Any prison officer who shall assault, threaten or insult any officer senior to him in the Service, when such senior officer is on duty or when such assault, threat or insult shall relate or be consequent upon the discharge of duty by the officer assaulted, threatened or insulted, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding three thousand penalty units or to imprisonment for a period not exceeding one year, or to both.

[As amended by Act [No. 13 of 1994](#)]

37. Miscellaneous offences by prison officers

Every prison officer who without lawful authority—

- (a) knowingly suffers any intoxicating liquor, tobacco, dagga or hemp, drug, opiate, money, clothing, provisions, letter, document or other article to be sold or received from or used by or on behalf of any prisoner; or
- (b) lends or gives to any prisoner any intoxicating liquor, tobacco, dagga or hemp, opiate, money, clothing, provisions, letter, document or other article; or
- (c) knowingly suffers any letter, document or other article to be brought out of any prison, or to be conveyed from any prisoner; or
- (d) without the permission of the Commissioner, informs the press or any other person of any matter concerning a prison or a prisoner or any matter derived from official sources connected with or related to the Service;

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding three thousand penalty units or to imprisonment for a period not exceeding one year, or to both.

[As amended by Act [No. 13 of 1994](#)]

38. Other offences

- (1) No prison officer or any person with any duty with prisoners shall sell or supply, or receive directly or indirectly any benefit or advantage from the sale or supply of, any article to or for the use of any prisoner or for the use of any prison nor shall any such officer or person, directly or indirectly, have any interest in any contract or agreement for the sale or supply of any such article.
- (2) No prison officer or any person with any duty with prisoners shall, directly or indirectly, have any pecuniary interest in the purchase of any prison supplies or receive any discount, gift or other

consideration from any contractor for or seller of such supplies, or have any pecuniary dealing with any prisoner or with any friend of any prisoner with regard to him, or on behalf of any prisoner hold any unauthorised communication with any person.

- (3) Any prison officer or person who contravenes the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand and five hundred penalty units or to imprisonment for a period not exceeding six months, or to both.

[As amended by Act [No. 13 of 1994](#)]

39. Prison officers not to be members of trade unions

- (1) It shall not be lawful for any prison officer to be or to become a member of—
- (a) any trade union or any body or association affiliated to a trade union;
 - (b) any body or association the objects or one of the objects of which is to control or influence conditions of employment in any trade or profession; or
 - (c) any body or association the object or one of the objects of which is to control or influence the pay, pensions, or conditions of service of the Service.
- (2) Nothing in subsection (1) shall be deemed to prohibit prison officers becoming members of any prison officers staff association established or constituted pursuant to rules made under this Act.
- (3) Any prison officer who contravenes the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding seven hundred and fifty penalty units or to imprisonment for a period not exceeding three months, or to both.
- (4) A prison officer convicted of an offence under this section shall be liable to be dismissed from the Service.
- (5) If any question arises as to whether any body is a trade union or a body or association affiliated to a trade union within the meaning of this section, the question shall be decided by the Minister whose decision thereon shall be final and conclusive and shall not be questioned in any proceedings.
- (6) For the purposes of this section, "trade union" has the same meaning as it has in the Industrial and Labour Relations Act.

[As amended by Act [No. 13 of 1994](#)]

[Cap. 269]

40. Prison officers not to engage in dealings with prisoners

- (1) No prison officer shall accept any fee, gratuity or reward from, or knowingly have any business dealings with prisoners or discharged persons or with friends of visitors or with visitors to the prison.
- (2) No prison officer shall correspond with or hold any dealings with friends of any prisoner, unless expressly authorised to do so by the officer in charge.
- (3) No prison officer shall, save in accordance with orders or directions issued by the Commissioner, communicate with or convey any communication or article to or from any prisoner.
- (4) A prison officer who contravenes a provision of sub-section (1), (2) or (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand and five hundred penalty units or to imprisonment for a period not exceeding six months, or to both.

[As amended by Act [No. 13 of 1994](#)]

Part VII – Discipline of prison officers

41. Methods of dealing with disciplinary matters

- (1) Disciplinary control over prison officers of or above the rank of Superintendent shall be exercised as is provided in the Constitution.
- (2) Disciplinary control over prison officers below the rank of Superintendent shall be exercised as is provided in this Part.

[Cap. 1]

42. Dismissal and reduction in rank of prison officer sentenced to imprisonment

- (1) The Commissioner may reduce in rank or may dismiss any prison officer below the rank of Superintendent who has been sentenced to imprisonment, whether with or without the option of a fine and whether or not the sentence has been suspended by any court in respect of any offence whether under this Act or otherwise, unless such sentence is quashed on appeal and no other sentence of imprisonment is substituted therefor.
- (2) A prison officer who is reduced in rank or dismissed under this section may appeal against the reduction in rank or dismissal in the manner provided in section forty-eight to the President and that section shall, subject to the provisions of this section, apply accordingly.
- (3) Upon the consideration of an appeal under this section, the Board shall advise the President either to allow the appeal or to dismiss the appeal if the Board considers that there is not sufficient ground for interfering with the decision of the Commissioner.

43. Offences against discipline by junior or subordinate officers

Any junior or subordinate officer commits an offence against discipline if he is guilty of—

- (a) disobedience to orders, that is to say, if he disobeys, or without good and sufficient cause omits or neglects to carry out any lawful order, written or otherwise;
- (b) insubordinate or oppressive conduct, that is to say, if he—
 - (i) is disrespectful in word, act or demeanour to a prison officer superior to him in rank;
 - (ii) is oppressive or tyrannical in conduct towards a prison officer inferior to him in rank;
 - (iii) uses obscene, abusive or insulting language to any other prison officer or to any prisoner;
 - (iv) assaults any other prison officer;
 - (v) offers or uses unwarranted personal violence on any person in his custody;
 - (vi) wilfully or negligently makes any false complaint against any other prison officer, or prisoner, or wilfully suppresses any material facts, or makes or joins in making any anonymous complaints;
 - (vii) talks or is inattentive or otherwise misbehaves himself on parade;
 - (viii) being under arrest or confinement, leaves or escapes from his arrest or confinement before he is set at liberty by proper authority;
 - (ix) resists an escort whose duty it is to apprehend him or to have him in charge;
- (c) neglect of duty, that is to say, if he—
 - (i) neglects, or without good and sufficient cause omits, promptly and diligently to attend to or carry out anything which it is his duty to attend to or carry out;

- (ii) idles or gossips or sits or lies down without reasonable cause when on duty;
 - (iii) sleeps when on duty;
 - (iv) leaves his post before being lawfully relieved, except in fresh pursuit of any offender whom it is his duty to apprehend;
 - (v) by his neglect or default allows, or contributes to, the escape of any prisoner;
 - (vi) fails to make or send a report or return which it is his duty to make or send;
 - (vii) assists or connives with any prisoner in having or obtaining any prohibited article;
 - (viii) neglects or refuses to assist in the apprehension of any prison officer whom he has been ordered to arrest;
 - (ix) without reasonable cause omits to make any necessary entry in any official document, book or paper;
- (d) discreditable conduct, that is to say, if he—
- (i) acts in a disorderly manner, or in any manner prejudicial to discipline or likely to bring discredit on the reputation of the Service;
 - (ii) lends money to any prison officer superior in rank to him or borrows money from or accepts any present from any prison officer inferior in rank to him;
 - (iii) incurs debt in or out of the Service without any reasonable prospect, or intention, of paying the same, or, having incurred any debt, makes no reasonable effort to pay the same;
 - (iv) if called upon by the Commissioner to furnish a full and true statement of his financial position, fails to do so;
- (e) absence without leave or being late for duty, that is to say, if he—
- (i) without reasonable cause or excuse is absent without leave from or is late for parade, or for any other duty;
 - (ii) leaves without right or permission or lawful reason any prison quarters or place to which he has been assigned;
- (f) falsehood or prevarication, that is to say, if he—
- (i) knowingly makes any false statement in any official book or document;
 - (ii) wilfully or negligently makes any false, misleading or inaccurate statement;
 - (iii) without good and sufficient cause destroys or mutilates any official document or record, or alters or erases any entry therein;
 - (iv) prevaricates before any committee of inquiry or at any proceedings where inquiry is being made into a disciplinary charge against any prison officer or prisoner;
- (g) breach of confidence, that is to say, if he—
- (i) divulges any matter which it is his duty to keep secret;
 - (ii) without proper authority communicates to the public, press, or to any unauthorised person any matter concerning the Service;
 - (iii) without proper authority shows to any person outside the Service any book or written or printed document the property of the Service;
 - (iv) makes any frivolous or vexatious complaint or makes a complaint in an irregular manner;

- (v) signs or circulates any petition or statement with regard to any matter concerning the Service, except through the proper channels of correspondence to the Commissioner;
- (vi) calls or attends any unauthorised meeting to discuss any matter concerning the Service;
- (h) unlawful or unnecessary exercise of authority, that is to say, if he uses any unnecessary violence to any prisoner or other person with whom he may be brought into contact in the execution of his duty;
- (i) malingering, that is to say, if he—
 - (i) feigns or exaggerates any sickness or injury with a view to evading duty;
 - (ii) while absent from duty on account of sickness neglects, or without good and sufficient cause omits, to carry out any instruction of a medical officer or of a member of the hospital staff, or acts or conducts himself in a manner calculated to retard his return to duty;
- (j) uncleanness, that is to say, if he while on duty, or while off duty in uniform in a public place, is without reasonable cause improperly dressed or dirty or untidy in his clothing or accoutrements;
- (k) damage to property, that is to say, if he—
 - (i) wilfully or by carelessness causes any waste, loss or damage to any article of clothing, or accoutrements, or to any book, document or other property of the Service, served out to him or entrusted to his care;
 - (ii) fails to report any such damage or loss as aforesaid, however caused;
- (l) drunkenness, that is to say, if he—
 - (i) while on duty or off duty, is unfit for duty through the consumption of intoxicating liquor or drugs;
 - (ii) habitually uses to excess intoxicating beverages or habit forming drugs;
- (m) entering licensed premises, that is to say, if he enters any public bar licensed for the sale of intoxicating liquor when on duty except when his presence is required in the execution of his duty;
- (n) engaging in any employment or office other than his prison duties;
- (o) uses any weapon without orders or just cause;
- (p) neglecting or failing to report the fact that he is suffering from venereal or other contagious disease;
- (q) shows cowardice in the course of his duty;
- (r) any other act, conduct, disorder, or neglect to the prejudice of good order and discipline not herein specified;
- (s) conniving at or knowingly being an accessory to any offence against discipline under this Act.

44. Arrest and confinement of junior or subordinate officers for disciplinary offence

- (1) Any prison officer may arrest without warrant any junior or subordinate officer, not being an officer of his own or of senior rank, whom he suspects on reasonable grounds of having committed an offence against discipline.
- (2) A prison officer effecting an arrest under this section shall forthwith bring the officer arrested before the officer in charge, who shall cause the case to be heard without undue delay and may order the remand of the officer arrested in custody for so long as may reasonably be necessary.
- (3) Until such time as his case is heard in accordance with the provisions of this Act, any junior or subordinate officer arrested under such provisions may be confined in any prison quarters allocated

for prison or guardroom purposes, or, if no other suitable quarters are available, in any prison quarters set apart for the detention of prisoners awaiting trial.

45. Power to try junior officers

- (1) The Commissioner, or a senior officer authorised by the Commissioner, may inquire into any alleged offence against discipline by a junior officer who shall be present at such inquiry and thereupon, if satisfied that such offence has been committed, may impose any of the following punishments:
 - (a) admonition;
 - (b) reprimand;
 - (c) fine not exceeding one month's pay;
 - (d) severe reprimand;
 - (e) stoppage of pay where there has been loss by neglect of or injury to public property;
 - (f) stoppage, deferment or withholding of any increment of salary for which the junior officer may be eligible;
 - (g) reduction in rank;
 - (h) termination of service;
 - (i) the punishment set out in paragraph (a) or (b) and the punishment set out in paragraph (e);
 - (j) any two or more of the punishments set out in paragraphs (c) to (f);
 - (k) any one or more of the punishments set out in paragraphs (c) to (f) and the punishment set out in paragraph (g);
 - (l) any two or more of the punishments set out in paragraphs (c), (e) and (h).
- (2) Where the Commissioner or a senior officer imposes any punishment on a junior officer in respect of an offence against discipline, he may order that such punishment be suspended for a period not exceeding six months and if during such period of suspension the offender commits no further offence against discipline such punishment shall not be carried into execution.
- (3) Where any punishment has been suspended under the provisions of subsection (2) and the offender is found guilty of any further offence against discipline committed during the period of suspension, the suspended punishment shall forthwith be carried into effect.
- (4) Every punishment imposed by a senior officer other than the Commissioner under the provisions of this section shall be subject to confirmation by the Commissioner, and any such punishment shall remain in abeyance until the Commissioner has signified his decision thereon.

46. Power to try subordinate officers

- (1) The Commissioner, a senior officer or officer in charge may inquire into any alleged offence against discipline by a subordinate officer who shall be present at such inquiry and thereupon, if satisfied that such offence has been committed, may impose any of the following punishments:
 - (a) admonition;
 - (b) extra drill or extra duty for a period not exceeding seven days;
 - (c) reprimand;
 - (d) fine not exceeding one-half of one month's pay;
 - (e) severe reprimand;
 - (f) forfeiture of one or more efficiency badges;

- (g) stoppage, deferment or withholding of any increment of salary for which the subordinate officer may be eligible;
 - (h) stoppage of pay where there has been loss by neglect of or injury to public property;
 - (i) reduction in rank;
 - (j) termination of service;
 - (k) the punishment set out in paragraph (a) or (c) and the punishment set out in paragraph (g);
 - (l) any two or more of the punishments set out in paragraphs (d) to (i);
 - (m) any two or more of the punishments set out in paragraphs (d), (h) and (j).
- (2) Where the Commissioner or a senior officer or an officer in charge imposes any punishment on a subordinate officer in respect of an offence against discipline, he may order that such punishment be suspended for a period not exceeding six months and if during such period of suspension the offender commits no further offence against discipline such punishment shall not be carried into execution.
- (3) Where any punishment has been suspended under the provisions of subsection (2) and the offender is found guilty of any further offence against discipline committed during the period of suspension, the suspended punishment shall forthwith be carried into effect.
- (4) Any punishment of a fine exceeding thirty penalty units, reduction in rank, stoppage, deferment or withholding increments of salary, forfeiture of efficiency badges or termination of service imposed by an officer in charge or a senior officer other than the Commissioner and any stoppage of pay imposed by an officer in charge where the stoppage exceeds one-half of one month's pay of the offender under the provisions of this section shall be subject to confirmation by the Commissioner, and any such punishment shall remain in abeyance until the Commissioner has signified his decision thereon.

[As amended by Act [No. 13 of 1994](#)]

47. Procedure after imposition of punishment

- (1) The Commissioner may confirm or enhance, vary or remit any punishment referred to him for confirmation under the provisions of section forty-five or forty-six.
- (2) Any prison officer upon whom a punishment of a fine exceeding five days' pay or stoppage of pay exceeding five days' pay or stoppage, deferment or withholding of increment of salary or reduction in rank or termination of service has been imposed under section forty-five or forty-six shall be entitled to appeal to the President in the manner provided by section forty-eight against either the conviction or the punishment or both.
- (3) No punishment shall be enhanced under the provisions of subsection (1) unless the offender has been given an opportunity of being heard.

48. Prisons Advisory Board

- (1) There is hereby established a Prisons Advisory Board (in this Act referred to as the Board) consisting of a chairman and such other persons not exceeding four in number as may be appointed by the President.
- (2) It shall be the duty of the Board to consider and advise the President on all appeals submitted to it under this Act.
- (3) Every appeal under section forty-two or subsection (2) of section forty-seven shall be submitted by the appellant to the Board within twenty-one days of the notification to the appellant of the decision of the Commissioner, senior officer or officer in charge, as the case may be.

- (4) The Board shall consider all appeals summarily unless it sees fit to direct that the appellant be heard either personally, or, with the permission of the Board, either by a friend who shall be an officer in the public service, or by a barrister or solicitor.
- (5) Upon the consideration of an appeal, the Board may, in its discretion, hear any evidence not given before the prison officer or the visiting justice who conducted the inquiry.
- (6) Upon the consideration of an appeal, the Board shall advise the President either—
 - (a) to dismiss the appeal if the Board considers that there is not sufficient ground for interfering with the decision from which the appeal is brought; or
 - (b) on an appeal against conviction—
 - (i) to reverse the finding and sentence and acquit or discharge the appellant or order him to be re-tried by a prison officer of competent jurisdiction; or
 - (ii) to alter the finding, maintaining the sentence, or, with or without altering the finding, to reduce or increase the sentence; or
 - (iii) with or without such reduction or increase, and with or without altering the finding, to alter the nature of the sentence; or
 - (c) on an appeal against sentence, to quash the sentence and pass such other sentence (whether more or less severe) which the prison officer who inquired into the offence might lawfully have passed.
- (7) The President, having considered the advice given by the Board, may exercise any of the powers set out in subsection (6).
- (8) The powers conferred by subsection (6) shall be exercised by the Board to the prejudice of the appellant only if he has had an opportunity of being heard either personally or by a friend or by a barrister or solicitor in accordance with the provisions of subsection (4).
- (9) Section fifty shall apply *mutatis mutandis* to the consideration of an appeal by the Board as it applies to an inquiry by a prison officer into a disciplinary offence.

49. Recovery of fines and stoppage of pay

- (1) A fine imposed on a prison officer by way of punishment for an offence against discipline under this Act may be recovered by stoppage of the offender's pay due at the time of committing the offence and thereafter accruing due.
- (2) The amount of pay which may be stopped in any one month whether by way of recovery of a fine or by way of satisfaction of a punishment imposed under this Act or for any other cause authorised by this Act or by rules made thereunder shall be in the discretion of the prison officer or officer in charge by whom the punishment was imposed or, in any other case, of the officer in charge of the prison where the prison officer concerned is stationed, but shall not exceed one-half of the monthly pay of the offender and wherever more than one order of stoppage of pay is in force against a prison officer so much only of his monthly pay may be stopped as shall leave him a residue of at least one-half of his pay.
- (3) Where more than one order of stoppage of pay is made against a prison officer, the enforcement of the orders later in date shall be postponed, if necessary, until the earlier orders are discharged.

50. Powers of officers holding disciplinary inquiries

- (1) A prison officer inquiring, under powers conferred on him by this Part, into a disciplinary offence alleged to have been committed by any other prison officer shall have power to summon and examine witnesses on oath or affirmation, to require the production of all documents relevant to

such inquiry and to adjourn the inquiry from time to time, and for the purposes of the inquiry may administer oaths.

- (2) Any person summoned as a witness under subsection (1) who fails to attend an inquiry at the time and place mentioned in the summons or on any adjournment thereof, or refuses to answer any questions lawfully put to him at the inquiry, shall be guilty of an offence and shall be liable to a fine not exceeding one hundred and fifty penalty units or to imprisonment for a period not exceeding one month:

Provided that no witness shall be asked or be obliged to answer any question which may tend to incriminate him or render him liable to any forfeiture or penalty.

[As amended by Act [No. 13 of 1994](#)]

51. Offence against discipline may be tried by subordinate court

- (1) In any case where it appears to the Commissioner, the senior officer or the officer in charge who is inquiring into an alleged offence against discipline that the offence alleged to have been committed would not, by reason of its gravity or by reason of previous offences or for any other reason, be adequately punished by any of the punishments provided in section forty-five or forty-six, the Commissioner or senior officer or officer in charge, as the case may be, shall, without recording a finding, stay the proceedings and, in the case of an inquiry being held by a senior officer or an officer in charge, that officer shall transmit the proceedings to the Commissioner.
- (2) Where under subsection (1) any proceedings have been stayed by the Commissioner or by a senior officer or an officer in charge, the Commissioner may order the accused to be taken before a subordinate court.
- (3) Where under subsection (1) proceedings have been stayed and transmitted to the Commissioner, the Commissioner may, instead of ordering the accused to be dealt with by a subordinate court, himself hear and determine the case, or direct the case to be dealt with by the senior officer or the officer in charge who transmitted it or by any other prison officer.
- (4) Where an accused person is taken before a subordinate court under subsection (2), he shall be liable on conviction for an offence against discipline to a fine not exceeding three months' pay or to imprisonment for a period not exceeding six months, or to both.

52. Search of prison officer and his quarters

- (1) A prison officer may at any time while within a prison be searched on the orders of a prison officer senior in rank to him.
- (2) The officer in charge may at any time order the living quarters occupied by another prison officer under his control to be searched by a prison officer senior in rank to that other prison officer.

53. Interdiction of prison officer below rank of Superintendent

- (1) When any prison officer below the rank of Superintendent is accused of any offence against any law or under this Act, the Commissioner may interdict that officer from the exercise of the powers, functions and duties vested in him as a prison officer pending the result of the proceedings taken against that officer.
- (2) A prison officer who has been interdicted shall be allowed to receive such allowance equal to not less than one-half of the officer's pay as the Commissioner shall think fit.
- (3) If the proceedings against a prison officer who has been interdicted do not result in his dismissal, such officer shall be entitled, subject to the provisions of this Act, to the full amount of the pay which he would have received if he had not been interdicted.

- (4) A prison officer shall not by reason of being interdicted cease to be a prison officer and accordingly he shall continue to be subject to the same responsibilities, discipline and penalties, and to the same authorities, as if he had not been interdicted.
- (5) The Commissioner may delegate all or any of the powers vested in him by this section to any other senior officer either by rank or name.

54. Pay not to accrue during absence without leave or imprisonment

No pay shall accrue to any prison officer below the rank of Superintendent in respect of any period during which he is absent from duty without leave, or is undergoing any sentence of imprisonment:

Provided that—

- (i) in any case, the Commissioner or any other prison officer not below the rank of Assistant Commissioner may in his discretion authorise the payment of such allowances, equal to not more than one-half of the officer's pay, as he may think fit;
- (ii) where a prison officer below the rank of Superintendent receives a free pardon or his conviction is quashed on appeal, pay shall accrue for any period when he was undergoing any sentence of imprisonment.

Part VIII – Admission and control of prisoners

55. Admission of prisoners

- (1) No person shall be admitted into a prison unless under the authority of and accompanied by—
 - (a) a remand warrant, order of detention, warrant of conviction or of committal under the hand of any person authorised to sign or countersign any such warrant or order under the provisions of any law;
 - (b) an order of a court-martial;
 - (c) a warrant of an immigration officer issued under the provisions of the Immigration and Deportation Act; or
[Cap. 123]
 - (d) an order in writing signed by a police officer of or above the rank of Sergeant.
- (2) An order under paragraph (d) of subsection (1) shall be valid only for such period as is necessary to obtain a warrant or order referred to in paragraph (a) of that subsection and for no longer.
- (3) The officer in charge shall satisfy himself before the admission of a prisoner that the prisoner is the person named in the warrant or order of detention or order accompanying him, and that the warrant or order bears the signature of the proper authority lawfully authorised to issue it, and that it is in all other respects in order.
- (4) The officer in charge shall not refuse to accept any prisoner merely on the ground that there is an error on the face of any warrant or order of detention or order accompanying such prisoner, but shall take steps as soon as practicable to have the error corrected.

56. Admission of infant child with woman prisoner

Subject to such conditions as may be specified by the Commissioner, the infant child of a woman prisoner may be received into the prison with its mother and may be supplied with clothing and necessaries at the public expense:

Provided that, when the child has attained the age of four years, the officer in charge, on being satisfied that there are relatives or friends of the child able and willing to support it, shall cause the child to be

handed over to the relatives or friends, or, if he is not satisfied, shall, subject to any other written law, hand the child over to the care of such welfare authority as may be approved for the purpose by the Commissioner.

57. Particulars of prisoner to be recorded

Upon the admission to prison of any person, the officer in charge shall cause to be recorded such particulars regarding that person as may be prescribed.

58. Search of prisoners

Every prisoner shall be searched on admission, and at such time subsequently as may be prescribed, by a prison officer of his or her own sex, but not in the presence of a person of the opposite sex, and all prohibited articles shall be taken from him or her.

59. Custody and disposal of money and other effects of prisoners

- (1) All money, clothes or other effects brought into a prison by any prisoner, or sent to a prison for his use, which he is not permitted to retain shall be placed in the custody of the officer in charge, who shall keep an inventory of the same, and all such money, clothes or other effects shall be returned to the prisoner when he is released or discharged.
- (2) Where any clothes of a prisoner are so old, worn out or dirty as to be unsuitable for further use, the officer in charge may order the same to be destroyed, and in that case, on the release or discharge of the prisoner, the officer in charge may, at the public expense, provide him with suitable clothing.
- (3) The officer in charge may refuse to take into prison any property of a prisoner which by reason of its bulk, nature or excessive quantity cannot be conveniently stored in the prison.
- (4) The Commissioner shall cause to be recorded the name or names of the person or persons to whom in the event of the death in prison of a prisoner without having made a valid will any money or movable property of the prisoner within the prison should be paid or delivered.
- (5) If, within six months after the release or discharge of a prisoner from prison or the death in prison of a prisoner, any money or movable property has not for any reason been paid or returned or delivered to the prisoner or to his personal representatives or to the person or persons whose name or names are recorded in his personal record pursuant to subsection (4), the officer in charge shall furnish an inventory or description of such money or property to a subordinate court.
- (6) Where an inventory or description of money or property is furnished to a subordinate court under the provisions of subsection (5), the court shall detain or give orders for the detention of the money or property and shall cause a notice to be posted in a conspicuous place at the court and at such other places as it deems fit specifying the money or property and calling on any person who may have any claim thereto to appear before the court and establish his claim within fourteen days of the date of the notice.
- (7) If no person shall, within fourteen days of the date of the notice mentioned in subsection (6), claim the money or property specified in the notice, the court shall order that such of the property as does not consist of money may be sold or destroyed and that notice of any sale shall be displayed prominently at the court for a period of not less than fourteen days before the date fixed for the sale.
- (8) The proceeds of the sale of property sold under subsection (7) and any money specified in the notice mentioned in subsection (6) which is not paid to a claimant shall be paid into the general revenues of the Republic.

Part IX – Classification, custody and removal of prisoners

60. Separation of prisoners

- (1) Male and female prisoners shall be kept apart and confined in separate prisons or in separate parts of the same prison in such manner as to prevent, as far as is practicable, their seeing or communicating with each other.
- (2) Subject to the provisions of subsection (1), convicted and unconvicted prisoners of each sex shall be divided into the following classes:
 - (a) young prisoners;
 - (b) adults;
 - (c) first offenders;
 - (d) prisoners with previous convictions;
 - (e) prisoners suspected or certified as being of unsound mind;
 - (f) such other classes as the Commissioner may determine;

and, as far as the prison accommodation renders it practicable, each such class shall be kept apart from the other classes.

61. Prisoners in custody of officer in charge

- (1) Every prisoner shall be in the lawful custody of the officer in charge and, subject to the provisions of this Act, shall remain in such lawful custody and be subject to prison discipline and to the provisions of this Act during the whole period of his imprisonment, whether he is or is not within the precincts of a prison.
- (2) Every officer in charge shall keep and detain all persons duly committed to his custody by any court or other competent authority according to the provisions of the warrant or order by which such person has been committed, or until such person is discharged by due process of law.
- (3) A prisoner who is being removed or transferred from a prison to another prison or to any other place shall, while outside the prison, be kept in the custody of the prison officer or police officer or probation officer authorised under this Act or any other written law to remove or convey him and shall, subject to the provisions of this Act or any other written law, be deemed to be in the lawful custody of the officer in charge of the prison from which such prisoner is being removed or transferred.

62. Probation officer may have custody of prisoner

A probation officer may be authorised by a court to remove from prison any prisoner on remand in the prison, for the purpose of making inquiries at the direction of the court, and it shall be lawful for a prison officer to hand over custody of any such remand prisoner to a probation officer so authorised to remove him.

63. Removal of juvenile to reformatory

- (1) Subject to subsection (2), the Minister may, by order, direct the removal from prison to a reformatory of any juvenile who is serving a sentence of imprisonment and in that event the remainder of his sentence of imprisonment shall be deemed to be cancelled.
- (2) A juvenile shall not be removed under this section to a reformatory if the unexpired period of the term of his imprisonment is less than nine months.

- (3) Where a juvenile is removed under this section to a reformatory, he shall thereafter be treated as if he had been ordered to be detained in a reformatory and sections ninety-eight to one hundred and seven of the Juveniles Act shall apply accordingly in relation to the juvenile except that his liability to be detained under section one hundred and two of that Act shall continue until the expiration of his term of imprisonment and shall then determine.

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- (4) An order made by the Minister under subsection (1) shall be sufficient authority for the reception and detention of the juvenile named therein in a reformatory and shall, for the purposes of the aforesaid sections of the Juveniles Act, be deemed to be a reformatory order made under that Act.

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64. Production of prisoners in court

- (1) Where the attendance before a court of a person who is a prisoner is necessary for the purpose of giving evidence in any civil proceedings, the court may issue an order directed to the officer in charge of the prison where the prisoner is serving a sentence, requiring him to produce the prisoner at the time and place specified in the order, and the officer in charge shall arrange for compliance with such order.
- (2) The court before which any person is produced in accordance with an order issued in terms of subsection (1) may give such directions as to the costs of compliance with the order as the court may deem fit.

65. Prisoners under police escort

- (1) Prisoners on remand or committed for trial, who are required to attend any court, may be taken for that purpose into police custody at the prison to which they have been committed and shall remain under police supervision and guard until returned to the prison or discharged by the court.
- (2) Where on the removal of any prisoner from any prison the number of prison officers is insufficient to provide escort for such prisoner, the officer in charge of the prison from which the prisoner is to be removed may, with the general or special permission of the Commissioner of Police, deliver the prisoner to any police officer detailed for such duty.
- (3) While a prisoner is in the custody of a police officer in accordance with the provisions of this Act, he shall be deemed to be in lawful custody, and escape from the custody of the police officer shall be deemed to be escape from lawful custody for the purposes of any law.

66. Statements to police officers

- (1) Subject to the provisions of subsection (2), a police officer, with the approval of the officer in charge of a prison and on production of an order in writing from a police officer in charge of a police station or other police officer of or above the rank of Sub-Inspector, may, in the sight and hearing of a prison officer, interview within a prison any prisoner for purposes connected with the investigation of any offence whatsoever.
- (2) If the officer in charge of a prison is satisfied that a prisoner is willing to be interviewed by police officers out of the sight and hearing of a prison officer, then the officer in charge may permit that prisoner to be interviewed by not less than two police officers within the prison and out of the sight and hearing of a prison officer.

67. Release of prisoners for investigations, etc.

An officer in charge may deliver a prisoner into police custody in the interests of justice or in connection with the investigation of a crime on the production of an order in writing which shall, in the case of an unconvicted prisoner, be signed by a police officer in charge of a police station or a police officer of or

above the rank of Sub-Inspector, and, in the case of a convicted prisoner, by a police officer of or above the rank of Chief Inspector.

68. Removal of prisoners from one prison to another

The Commissioner may, by any general or special order, direct that any prisoner shall be removed to any prison other than that in which he is confined or to which he had been committed.

69. Certain prisoners may be restrained

Whenever an officer in charge considers it necessary for the safe custody of a prisoner that he should be confined by means of mechanical restraint, he may cause him to be so confined in accordance with rules made under this Act.

70. Mentally disordered or defective prisoners

- (1) Any convicted prisoner adjudged according to law to be a mentally disordered or defective person shall remain in the place named in the order providing for his detention as such until the prisoner has been discharged from that place according to law, whereupon, if the prisoner has not completed the sentence in respect of which he was committed, the Minister shall order that he be delivered into the custody of the officer in charge of a prison for the completion of such sentence or, if the prisoner has completed the sentence in respect of which he was committed, he shall forthwith be released.
- (2) If any prisoner mentioned in subsection (1) was sentenced to death before being adjudged to be a mentally disordered or defective person and the sentence of death has not, at the time when he is certified to be of sound mind, been commuted to a term of imprisonment then the Commissioner shall report the matter to the Minister who shall inform the President.

71. Removal of sick prisoners to hospital

- (1) In the case of the serious illness of a prisoner, an officer in charge, on the advice of the medical officer, may make an order for the removal of the prisoner to hospital:

Provided that in cases of emergency, or in the absence of the medical officer, the removal of the prisoner may be ordered by the officer in charge without being so advised by the medical officer.
- (2) The medical authority in charge of a hospital shall, on the admission thereto of a sick prisoner, transmit to the officer in charge of the prison whence the prisoner was removed a certificate signed by him, stating his opinion as to the necessity for the prisoner to remain in hospital and, when possible, stating the period for which the prisoner should so remain.
- (3) When, in the opinion of the medical authority in charge of a hospital, it is no longer necessary that a prisoner should remain therein, he shall notify the officer in charge of the prison whence the prisoner was removed, and thereupon, if the prisoner has not completed the sentence in respect of which he was committed, the officer in charge shall forthwith cause him to be returned to the prison or, if the prisoner has completed the sentence in respect of which he was committed, he shall forthwith be released.
- (4) Every reasonable precaution shall be taken by the medical and other officers of a hospital to prevent the escape of a prisoner at any time under treatment therein, and it shall be lawful for those officers to take such measures for preventing the escape of a prisoner as are reasonably necessary:

Provided that the medical authority in charge of a hospital may refuse to take or permit any action authorised under this section if, in his opinion, such action would be prejudicial to the health of the prisoner or impracticable for any good and sufficient reason.
- (5) Where, on account of the gravity of the offence for which a prisoner is in custody, or for any other reason, an officer in charge considers it to be desirable to take special measures for the security of that prisoner while he is undergoing treatment in hospital, it shall be lawful for him to give that

prisoner into the custody of fit and proper persons, being not less than two in number, one of whom at least shall always be with such prisoner by day and night, and those persons are hereby vested with authority to do all things reasonably necessary to prevent that prisoner from escaping and shall be answerable for his safe custody until such time as he is handed over to an officer in charge on his discharge from hospital, or until such time as his sentence expires, whichever may first occur.

72. Removal of prisoner to leprosarium

- (1) Where a medical officer reports to the Commissioner that a prisoner is suffering from leprosy, the Commissioner may, by order in writing, direct the removal of that prisoner to a leprosarium, there to be kept and treated until cured of his leprosy or until such time as he ceases to be liable to confinement in prison, whichever may first occur.
- (2) So long as a prisoner who has been removed to a leprosarium under the provisions of this section remains therein and remains liable to confinement in prison, the person in charge of the leprosarium shall from time to time transmit to the officer in charge of the prison whence the prisoner was removed, a certificate signed by him that it is in his opinion necessary that the prisoner should remain in the leprosarium.
- (3) As soon as, in the opinion of the person in charge of a leprosarium, it is no longer necessary that a prisoner should remain therein, he shall notify the officer in charge of the prison whence the prisoner was removed that the necessity has ceased, and thereupon, if the prisoner has not completed the sentence in respect of which he was committed, the officer in charge shall forthwith cause him to be returned to the prison or, if the prisoner has completed the sentence in respect of which he was committed, he shall forthwith be released.
- (4) Every reasonable precaution shall be taken by the person in charge of a leprosarium and the other persons employed therein to prevent the escape of a prisoner who is under treatment therein, and it shall be lawful for those persons to take such measures as may be necessary for preventing the escape of the prisoner:

Provided that nothing shall be done under the authority of this section which, in the opinion of the person in charge of the leprosarium, is likely to be prejudicial to the health of a prisoner.

73. Liability for escape from hospital or leprosarium

- (1) While any prisoner is in a hospital, mental hospital or leprosarium under the provisions of this Act, he shall be deemed to be in lawful custody for the purposes of any law.
- (2) If a prisoner shall escape during such time as he is in a hospital, mental hospital or leprosarium, no prison officer shall be held answerable therefor unless the prisoner was at the time of the escape in the personal custody of that officer, and no medical officer, person in charge of a leprosarium or other person shall be held answerable therefor unless it is shown that he helped such prisoner to escape.

74. Serving sentence while in hospital, etc.

The period during which a prisoner is detained in any hospital, leprosarium or institution under section seventy, seventy-one or seventy-two shall be reckoned as part of his period of imprisonment.

Part X – Employment of prisoners

75. General requirement to work

- (1) Every criminal prisoner shall be engaged in such work within or without the precincts of any prison, as may be directed by the officer in charge, and as far as is practicable such work shall take place in association or outside cells with other criminal prisoners:

Provided that the medical officer may excuse a prisoner from work or order that he perform light work, on medical grounds.

- (2) Women prisoners shall not be employed outside a prison except on the recommendation of the medical officer on medical grounds and then only on such work as may be prescribed.
- (3) A civil prisoner and an unconvicted prisoner may elect to work and, if he so elects, shall receive payment at such rates as may be prescribed.

76. Employment of unconvicted criminal prisoners

- (1) Civil prisoners and unconvicted prisoners shall be required to keep their cells, the precincts thereof and the furniture, clothing and utensils therein, clean.
- (2) Appellant prisoners shall be required to keep their cells, the precincts thereof and the furniture, clothing and utensils therein, clean and to perform such labour as the officer in charge, with the approval of the Commissioner, may direct.

Part XI – Escapes, prohibited articles and areas

77. Penalty for introduction or removal of prohibited articles into and from prison and for unauthorised communication with prisoners

Any person who, save as is provided in this Act—

- (a) removes from or introduces into or throws from or into or attempts by any means whatsoever to remove from or introduce into a prison or takes from or gives to any prisoner any article whatsoever; or
- (b) communicates with any prisoner;

shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one thousand five hundred penalty units or to imprisonment for a period not exceeding six months, or to both.

[As amended by Act [No. 13 of 1994](#)]

78. Power of arrest

A prison officer may arrest without a warrant any person who—

- (a) commits or attempts to commit any offence against the provisions of section seventy-seven;
- (b) when suspected by him of committing any offence against the provisions of section seventy-seven, refuses on demand made by such prison officer to give his name and address; or
- (c) on demand made by himself or any other prison officer, gives a name or an address which such prison officer knows or has reason to believe to be false or which subsequently proves to be false;

and shall deliver the arrested person into the custody of a police officer, and thereupon the police officer shall proceed as if the offence has been committed in his presence.

79. Unauthorised communications

- (1) Every letter or document, except as may be prescribed, written in a prison by or on behalf of a prisoner shall be delivered to the officer in charge who shall, before the letter or document is removed from the prison, clearly endorse or cause to be endorsed thereon—
 - (a) the name of the prison;
 - (b) a statement to the effect that its removal from the prison is authorised; and

- (c) the signature or initials of the prison officer making the endorsement.
- (2) Every person who comes into possession of a letter or document which he has reasonable cause to believe was written in a prison by or on behalf of a prisoner and which is not endorsed in accordance with the provisions of subsection (1) shall report that fact as soon as possible to the Commissioner or the officer in charge of the nearest prison and shall deliver the letter or document or cause it to be delivered to the Commissioner or such officer in charge.
- (3) No person shall, without the authority of the Minister, publish or cause to be published or transmit to any person for publication or otherwise the whole or any part of a letter or document which he has reasonable cause to believe was written in a prison by or on behalf of a prisoner and which is not endorsed in accordance with the provisions of subsection (1).
- (4) Any person who contravenes or fails to comply with the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding seven hundred and fifty penalty units or to imprisonment for a period not exceeding six months, or to both.

[As amended by Act No. 13 of 1994]

80. Offences in respect of prisons and prisoners

Any person who—

- (a) is found loitering within ninety one metres of any prison, or other place where prisoners may be, for the purpose of imprisonment or work, and who fails to depart therefrom upon being requested to do so by any prison officer or by a police officer; or
- (b) in any manner wilfully interferes with any prisoner or gang of prisoners;

shall be guilty of an offence and be liable on conviction to a fine not exceeding one thousand and five hundred penalty units or to imprisonment for a period not exceeding six months, or to both.

[As amended by Act No. 13 of 1994]

81. Removal of certain offenders

Any person who is found committing an offence against the provisions of section eighty may be removed from the place where he is committing the offence by a prison officer or a police officer and, if the offence is repeated by that person after he has once been removed in accordance with this section, that person may be arrested without warrant by a prison officer, who, if he makes such an arrest, shall hand the offender over to a police officer.

82. Unlawful possession of articles supplied to prison officers

Any person, other than a prison officer, who is found in possession of any article which has been supplied to any prison officer for the purposes of his duty, or of any other prison property, and who fails to account satisfactorily for his possession thereof, or who, without lawful authority, purchases or receives any such article or property from any prison officer, or who aids or abets any prison officer in selling or disposing of any such article or property, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand and five hundred penalty units or to imprisonment for a period not exceeding six months, or to both.

[As amended by Act No. 13 of 1994]

83. Assisting prisoner to escape

Subject to the provisions of this Act, any person, other than a prisoner, who—

- (a) aids a prisoner in escaping or attempting to escape, conspires with a person to procure the escape of a prisoner or incites a prisoner to escape from the prison in which he is detained or from a

conveyance, hospital, leprosarium or other place whatsoever where or in which he may be or whilst in course of removal in custody from one place to another or from any other lawful custody; or

- (b) with intent to facilitate the escape of a prisoner—
- (i) conveys anything to a prisoner, or into a conveyance, prison, hospital, leprosarium or other place whatsoever where or in which a prisoner may be; or
 - (ii) places anything outside a conveyance, prison, hospital or other place whatsoever where or in which a prisoner may be so that it may come into the possession or use of a prisoner;

shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding seven years.

84. Harboursing prisoners

Any person harboursing or employing a prisoner whom he knows to be unlawfully at large shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand and five hundred penalty units or to imprisonment for a period not exceeding six months, or to both.

[As amended by Act [No. 13 of 1994](#)]

85. Offences in connection with uniforms and decorations

- (1) Any person who wears or uses without due authority any uniform or decoration supplied to or authorised for use by any member of the Service or any uniform or decoration so nearly resembling the same as to be calculated to deceive shall be guilty of an offence.
- (2) Any person who falsely represents himself by act or words to be a person who is or has been entitled to use or wear any uniform or decoration referred to in subsection (1) shall be guilty of an offence.
- (3) Any person convicted of an offence under this section shall be liable on conviction to a fine not exceeding one thousand and five hundred penalty units or to imprisonment for a period not exceeding six months, or to both.

[As amended by Act [No. 13 of 1994](#)]

86. Notice to be displayed stating offences in respect of prisons and prisoners

The officer in charge shall cause to be affixed in a conspicuous place outside the prison a notice setting forth the acts prohibited under sections seventy-seven, eighty and eighty-two and the penalties which may be incurred by their commission.

Part XII – Civil and unconvicted prisoners

87. Maintenance of unconvicted prisoners from private sources

A civil prisoner or an unconvicted prisoner may be permitted to maintain himself and to arrange for the purchase of, or receive from private sources at proper hours, such food, clothing, or other necessaries as the Commissioner may from time to time determine.

88. Food, etc., not to be transferred to other prisoners

No food, clothing, or other necessaries permitted under the provisions of section eighty-seven shall be given, hired, or sold to any other prisoner, and any prisoner who contravenes any provision of this section shall be liable to lose all privileges permitted under the provisions of that section for such time as the officer in charge may determine.

89. Food, clothing and equipment for unconvicted prisoners

If a civil prisoner or an unconvicted prisoner does not provide himself with food and clothing, he shall receive the normal prison food, clothing and other necessaries.

Part XIII – Discipline of prisoners

90. Minor prison offences

The following acts and omissions shall be minor prison offences when committed by a prisoner:

- (i) disobeying any order of the officer in charge or of any other prison officer or any rule or order made under this Act;
- (ii) treating with disrespect any prison officer or person authorised to visit the prison;
- (iii) being idle, careless or negligent at work or refusing to work;
- (iv) using any abusive, threatening, insolent or other improper language;
- (v) being indecent in language, act or gesture;
- (vi) committing any assault or act of violence;
- (vii) communicating with another prisoner, or any other person without authority;
- (viii) leaving his cell or ward or place of work or other appointed place, without permission;
- (ix) disfiguring, damaging or interfering with any part or fitting of the prison or any property which is not his own;
- (x) committing any nuisance in any part of the prison;
- (xi) receiving or having in his possession any prohibited article or attempting to obtain such article;
- (xii) making repeated and groundless complaints or malingering;
- (xiii) quarrelling with other prisoners;
- (xiv) wilfully bringing a false accusation against any prison officer or other prisoner;
- (xv) doing any act calculated to create unnecessary alarm among prison officers or prisoners;
- (xvi) committing any act of insubordination;
- (xvii) refusing to wear the clothing issued to him or exchanging, losing, discarding, damaging, altering or defacing any part of it;
- (xviii) offending in any way against good order and discipline;
- (xix) attempting to commit any of the foregoing minor prison offences;
- (xx) aiding or abetting the commission of any of the foregoing minor prison offences.

91. Major prison offences

The following acts and omissions shall be major prison offences when committed by a prisoner:

- (i) mutiny or incitement to mutiny;
- (ii) committing or taking part in an aggravated or repeated assault on another prisoner;
- (iii) committing or taking part in an assault or attack on a prison officer;

- (iv) committing a minor prison offence after having twice previously been found guilty of the same minor prison offence;
- (v) escaping, conspiring with a person to procure the escape of a prisoner or assisting another prisoner to escape from the prison in which he is detained or from a conveyance, hospital or other place whatsoever where or in which he may be or whilst in course of removal in custody from one place to another or from any other lawful custody;
- (vi) possessing any instrument or other thing with intent to procure his own escape or that of another prisoner;
- (vii) omitting or refusing to help any prison officer to prevent an escape, an attempted escape or an attack upon that officer or upon another prisoner;
- (viii) committing any act of gross misconduct or insubordination;
- (ix) attempting to commit any of the foregoing major prison offences;
- (x) aiding or abetting the commission of any of the foregoing major prison offences.

92. Separation of prisoner charged with offence

- (1) An officer in charge may order a prisoner charged with a prison offence to be kept apart from other prisoners pending the hearing and determination of the charge.
- (2) Whenever it appears to the officer in charge that it is desirable for the good order and discipline of the prison for a prisoner to be segregated and not to work nor to be associated with other prisoners, it shall be lawful for the officer in charge to order the segregation of that prisoner for such period as may be considered necessary.

93. Hearing of prison offences

- (1) A charge against a prisoner in respect of a prison offence may, subject to the provisions of this section, be heard and determined—
 - (a) before a subordinate court where the Commissioner, owing to the gravity of the prison offence or other sufficient cause, so decides; or
 - (b) within a prison, by the Commissioner or, at the request of the Commissioner, a senior officer or the officer in charge, by a visiting justice who is a magistrate.
- (2) A prisoner charged with a prison offence which is heard and determined under the provisions of paragraph (b) of subsection (1) shall be informed of the nature of the charge and shall be given an opportunity of hearing the facts alleged against him and of being heard in his defence.
- (3) The Commissioner may delegate his power of hearing and determining a charge under the provisions of paragraph (b) of subsection (1) to a senior officer or an officer in charge and, in so doing, may limit the officer's power to impose punishments conferred by section ninety-seven to punishments less stringent than those specified in that section:

Provided that the Commissioner shall not delegate to an officer in charge who is not a senior officer the power of hearing and determining a charge in respect of a major prison offence.
- (4) Section fifty shall apply *mutatis mutandis* to the hearing within a prison of a charge against a prisoner by the Commissioner, a senior officer, officer in charge or a visiting justice as it applies to an inquiry by a prison officer into a disciplinary offence.

94. Punishments that may be imposed by subordinate court

- (1) A prisoner found guilty of a minor prison offence by a subordinate court shall be liable to—
 - (a) imprisonment for a period not exceeding six months;

- (b) additionally or alternatively any one or more of the punishments specified in section ninety-seven.
- (2) A prisoner found guilty of a major prison offence by a subordinate court shall, subject to the provisions of subsection (3), be liable to—
 - (a) imprisonment for a period not exceeding two years;
 - (b) additionally or alternatively any one or more of the punishments specified in section ninety-eight.
- (3) Where a sentence of corporal punishment is imposed by a subordinate court—
 - (a) section ninety-nine shall not apply in relation to that sentence;
 - (b) if the sentence is not carried out for medical reasons, the subordinate court which imposed the sentence on receipt of a medical certificate that the prisoner is not physically fit to undergo the sentence may substitute for that sentence any other punishment which may be imposed in respect of a major prison offence.
- (4) A sentence of imprisonment imposed for a prison offence on a prisoner—
 - (a) who is a convicted criminal prisoner shall commence on the date of expiry of the sentence of imprisonment being served by him at the time of the offence;
 - (b) who is not a convicted criminal prisoner shall commence on the date the sentence of imprisonment is imposed.

95. Punishment or minor prison offences by junior or subordinate officers

Where an officer in charge, who is a junior officer or subordinate officer, finds a prisoner guilty of a minor prison offence, he may impose one or more of the following punishments:

- (a) confinement in a separate cell for a period not exceeding three days;
- (b) confinement in a separate cell with penal diet for a period not exceeding three days;
- (c) reduced diet with or without confinement in a separate cell for a period not exceeding seven days;
- (d) forfeiture of remission of sentence not exceeding three days of the total remission earned;
- (e) extra work for a period not exceeding three days.

96. Transfer of case

Whenever a prisoner is charged before an officer in charge who is not a senior officer with a minor prison offence which owing to the circumstances of the case the officer in charge considers the powers of punishment he possesses are inadequate to deal with, he shall stay the proceedings and transfer the case with a report thereon to a senior officer or to a visiting justice who is a magistrate.

97. Punishment of minor prison offence by senior officer or visiting justice

- (1) Where an officer in charge, who is a senior officer, or a visiting justice, finds a prisoner guilty of a minor prison offence, he may impose one or more of the following punishments:
 - (a) confinement in a separate cell for a period not exceeding fourteen days;
 - (b) confinement in a separate cell with penal diet for a period not exceeding seven days;
 - (c) reduced diet, with or without confinement in a separate cell, for a period not exceeding fourteen days;
 - (d) forfeiture of remission of sentence not exceeding thirty days of the total remission earned;

- (e) extra work for a period not exceeding seven days;
- (f) reduction in stage, or postponement of promotion in stage, or forfeiture of privileges;
- (g) forfeiture of earnings not exceeding one-half of the amount earned; or removal from any prescribed earnings scheme for a period not exceeding three months or reduction in earnings grade until such time as the prisoner is considered fit for restoration to his original grade by virtue of his good conduct and skill at his trade or effort at his work:

Provided that no prisoner shall be reduced from the highest grade in any prescribed earnings scheme without the approval of the Commissioner.

- (2) In this section and in section ninety-eight, "reduction in stage" and "postponement of promotion in stage" mean the removal of a prisoner to a lower stage and the postponement of promotion to a higher stage, respectively, in the prescribed progressive stage system.

98. Punishment of major prison offence by senior officer or visiting justice

Where the Commissioner, a senior officer, or a visiting justice finds a prisoner guilty of a major prison offence, he may impose one or more of the following punishments:

- (a) confinement in a separate cell for a period not exceeding twenty-five days;
- (b) confinement in a separate cell with penal diet for a period not exceeding fifteen days;
- (c) reduced diet, with or without confinement in a separate cell, for a period not exceeding twenty-five days;
- (d) forfeiture of remission of sentence not exceeding sixty days of the total remission earned;
- (e) extra work for a period not exceeding ten days;
- (f) reduction in stage or postponement of promotion in stage or forfeiture of privileges;
- (g) forfeiture of earnings not exceeding three-quarters of the amount earned; or removal from any prescribed earnings scheme for a period not exceeding six months or reduction in earnings grade until such time as the prisoner is considered fit for restoration to his original grade by virtue of his good conduct and skill at his trade or effort at his work:

Provided that no prisoner shall be reduced from the highest grade in any prescribed earnings scheme without the approval of the Commissioner;

- (h) subject to the provisions of section ninety-nine, corporal punishment in accordance with the provisions of sections one hundred to one hundred and two.

99. Confirmation of sentence of corporal punishment

The following provisions shall apply in relation to the imposition of a sentence of corporal punishment under paragraph (h) of section ninety-eight:

- (a) the Commissioner, senior officer or visiting justice, as the case may be, shall, when he proposes to impose a sentence of corporal punishment, adjourn the hearing without announcing the sentence and submit the proposed sentence—
 - (i) where the charge is heard by the Commissioner, to the Minister for confirmation; or
 - (ii) where the charge is heard by a visiting justice or senior officer, to the Commissioner for his approval;
- (b) if the Commissioner approves a proposed sentence of corporal punishment submitted to him under subparagraph (ii) of paragraph (a), he shall submit the case to the Minister for confirmation;

- (c) if a proposed sentence of corporal punishment is confirmed by the Minister, the Commissioner, visiting justice or senior officer, as the case may be, shall announce the sentence;
- (d) if a sentence of corporal punishment is not carried out for medical reasons or a proposed sentence of corporal punishment is not approved or confirmed, as the case may be, the Commissioner, visiting justice or senior officer, as the case may be, may substitute for the sentence or proposed sentence any other punishment which he is authorised to impose under section ninety-eight.

100. Prison offences for which corporal punishment may be awarded

No sentence of corporal punishment for a prison offence shall be imposed under the provisions of section ninety-eight unless the prison offence is one specified in paragraph (i), (ii) or (iii) of section ninety-one.

101. Certain prisoners not liable to corporal punishment

No sentence of corporal punishment for a prison offence shall be imposed under the provisions of section ninety-eight on a prisoner who is—

- (a) a woman;
- (b) under sentence of death; or
- (c) a male over the apparent age of forty-five years.

102. Restrictions in respect of corporal punishment

- (1) Whenever a sentence of corporal punishment for a major prison offence is imposed under the provisions of section ninety-eight, the number of strokes with a cane shall be specified.
- (2) A sentence of corporal punishment shall not exceed—
 - (a) twelve strokes with a cane in the case of an adult male who is over the apparent age of sixteen years and under the apparent age of forty-five years;
 - (b) six strokes with a cane in the case of a male under the apparent age of sixteen years.
- (3) Where a number of punishments for a number of offences is imposed on a prisoner on one occasion, not more than one of such punishments shall be of corporal punishment.
- (4) Corporal punishment shall not be inflicted by instalments.
- (5) Corporal punishment shall be inflicted with a cane of a type and in a manner approved by the Minister.

103. Execution of sentence of corporal punishment

Where any written law provides for confirmation of any sentence of corporal punishment imposed by a court, no such sentence shall be carried out until it has been confirmed in accordance with that written law.

104. Medical practitioner and officer in charge to be present while corporal punishment is being inflicted

- (1) A sentence of corporal punishment shall not be carried out unless—
 - (a) a medical officer has, after examination, certified in writing that in his opinion the prisoner is physically fit to undergo the sentence of corporal punishment about to be inflicted on him; and
 - (b) a medical practitioner and the officer in charge are present while the corporal punishment is being inflicted on the prisoner.

- (2) If a medical officer is of the opinion, after examination, that a prisoner is not physically fit to undergo the sentence of corporal punishment about to be inflicted on him, he shall certify that fact in writing and transmit the certificate to the subordinate court or the person who imposed the sentence.

105. Sentence of corporal punishment may be stayed

The medical practitioner or officer in charge mentioned in section one hundred and four may at any time during the carrying out of the sentence of corporal punishment intervene and prohibit the remainder of the sentence from being carried out if he considers that the prisoner is not in a fit state of health to undergo the remainder of the sentence.

106. Special provisions relating to punishments of separate confinement with penal diet and of reduced diet

- (1) A prisoner undergoing a punishment of confinement in a separate cell with penal diet shall receive full diet every fourth day.
- (2) No prisoner undergoing a punishment of confinement in a separate cell with penal diet shall be put to any form of manual labour until the sentence is completed.
- (3) A prisoner undergoing a punishment of reduced diet with or without confinement in a separate cell shall receive full diet on every ninth day.

107. Confinement in separate cell

- (1) No prisoner shall be sentenced to be confined in a separate cell for an aggregate of more than ninety days in one year.
- (2) In any case where a prisoner is sentenced to two periods of confinement in a separate cell, the two sentences shall be separated by a period not less than the longer of the two periods.

108. Punishment in different prisons

Any punishments lawfully imposed, other than corporal punishment, may be carried out partly in one prison and partly in another.

Part XIV – Remission of sentence

109. Remission of part of sentence of prisoners

- (1) Convicted criminal prisoners sentenced to imprisonment, whether by one sentence or consecutive sentences, for a period exceeding one month, may by industry and good conduct earn a remission of one-third of their sentence or sentences:

Provided that in no case shall—

- (i) any remission granted, result in the release of a prisoner until he has served one calendar month;
 - (ii) any remission be granted to a prisoner sentenced to imprisonment for life or to be detained during the President's pleasure.
- (2) Upon the recommendation of the Commissioner, a convicted criminal prisoner may by reason of meritorious conduct or of his mental or physical state of health be granted remission of the whole or part of his sentence.

- (3) For the purpose of giving effect to the provisions of subsection (1), each prisoner, on admission, shall be credited with the full amount of remission to which he would be entitled at the end of his sentence if he lost no remission of sentence.
- (4) A prisoner may lose remission of sentence as a result of its forfeiture as a punishment for a prison offence, and shall not earn any remission in respect of any period—
 - (a) spent in hospital through his own fault or while malingering; or
 - (b) while undergoing confinement in a separate cell as punishment.

110. Remission of part of sentence of certain prisoners

- (1) Any convicted criminal prisoner other than—
 - (a) a prisoner sentenced to imprisonment for life; or
 - (b) a prisoner referred to in subsection (2); or
 - (c) the holder of a licence to be at large granted under the Prisons Act, 1955;who, immediately before the commencement of this Act, was serving a sentence of imprisonment may earn by satisfactory industry and good conduct remission of one-third of his sentence.
- (2) Any convicted prisoner who, immediately before the commencement of this Act, was being detained in prison in consequence of the cancellation of a licence to be at large, granted to him under the Prisons Act, 1955, may earn by satisfactory industry and good conduct remission of one-third of the sentence of imprisonment which was imposed on him and which had not expired at the date his detention commenced following the cancellation of his licence, and any remission credited to such prisoner on the said date shall be disregarded.
- (3) For the purpose of giving effect to the provisions of subsection (1) and (2), every prisoner referred to in those subsections shall—
 - (a) in the case of a prisoner entitled to remission under subsection (1), on his admission to prison;
 - (b) in the case of a prisoner referred to in subsection (2), on the commencement of this Act;be credited with the full amount of remission he can earn, from which shall be deducted any loss of remission imposed on him as punishment for a prison offence under the provisions of section ninety-four, ninety-five, ninety-seven or ninety-eight.
- (4) The commissioner may restore in whole or in part any remission forfeited or lost under the provisions of this Act including any remission forfeited or lost before the commencement of this Act.

Part XV – Discharge and parole

111. Officer in charge to be responsible for discharge of prisoners

- (1) Subject to the provisions of this section, every officer in charge shall be responsible for the due discharge from prison of all prisoners under his control immediately upon their becoming entitled thereto.
- (2) No prisoner under treatment by the medical officer shall be discharged from prison except at his own request, made in writing, until, in the opinion of the medical officer, his discharge can be effected without danger to the health of the prisoner.
- (3) Where by or under any law a prisoner becomes entitled to discharge from a prison otherwise than by the expiration of his sentence, the officer in charge shall not discharge him otherwise than in

accordance with the terms of an order, warrant or instruction issued in writing under the hand of a person authorised to do so under the provisions of such law or in due course of law.

112. Day of discharge of prisoners

All criminal prisoners shall be discharged by noon on the day on which they are entitled to be discharged, but, should that day fall on a Sunday or public holiday, they shall be discharged by noon on the next preceding day not being a Sunday or public holiday.

113. Travelling expenses of prisoner on discharge

A prisoner on discharge from prison shall be entitled to travelling expenses to such place as the Commissioner may determine.

114. Release on parole

- (1) A prisoner serving a sentence of imprisonment for a period of four years or more may, within three months of the date he is due for release for reasons approved by the Commissioner, be permitted by the Commissioner, on such conditions as he may specify, to be temporarily absent on parole for a period of time, which shall not exceed fourteen days, specified by the Commissioner.
- (2) The Commissioner or an officer in charge may at any time recall a prisoner released on parole in accordance with the provisions of subsection (1).
- (3) Any prisoner when released on parole who contravenes or fails to comply with the conditions imposed upon him under this section shall be guilty of an offence and shall be liable upon conviction to imprisonment for a period not exceeding six months.

115. Minister may permit absence of young prisoners from prison

- (1) The Minister may, on the recommendation of the Commissioner, permit any young prisoner to be temporarily absent from prison for such period and on such conditions as to supervision or otherwise as he may determine.
- (2) If any prisoner fails to perform and observe any condition imposed under the provisions of this section, he may be arrested and recommitted to any prison by warrant under the hand of a magistrate and shall be detained in a prison as if he had not been so absent from prison for a period equal to the portion of the sentence which was unexpired at the date of his release.
- (3) If a prisoner does not contravene during the period of his absence from prison under the provisions of this section any condition attached to his absence, he shall no longer be liable for any punishment in respect of the conviction upon which he was sentenced.

116. Release on licence of prisoners serving life imprisonment

- (1) The President may at any time release on licence a prisoner serving a term of imprisonment for life subject to such conditions as may be specified in the licence and may at any time vary, modify or cancel any such condition.
- (2) The President may at any time by order recall to prison a prisoner released on licence under this section but without prejudice to the power of the President to release him on licence again and when any prisoner is so recalled his licence shall cease to have effect and he shall, if at large, be deemed to be unlawfully at large.
- (3) An order made under subsection (2) shall be sufficient authority for the arrest of the prisoner to whom it relates as if it were a warrant of arrest issued by a magistrate.

Part XVI – Compulsory after care orders

117. Compulsory after care orders

- (1) The Commissioner—
 - (a) shall, in the case of a prisoner who, having been sentenced to imprisonment on not less than two previous occasions, is serving a sentence of imprisonment for a period of or exceeding three years; and
 - (b) may, in the case of any other prisoner where he considers it necessary or desirable in the interests of the rehabilitation of that prisoner so to do;
make an order, to be known as a "Compulsory After Care Order", providing for the compulsory care of the prisoner for a period not exceeding one year after his discharge from prison.
- (2) Every compulsory after care order shall be made on or prior to the discharge of the prisoner in respect of whom it is made and shall be in such form and subject to such terms and conditions as may be prescribed.

118. Failure to comply with compulsory after care order and commission of further offence during currency of order

- (1) If any person in respect of whom a compulsory after care order is in force—
 - (a) is convicted of an offence; or
 - (b) contravenes or fails to comply with any term or condition of the order;
he shall be guilty of an offence and shall on conviction be sentenced to imprisonment for a period of three months or for the period of remission of sentence earned by that person while he was a prisoner under section one hundred and nine immediately prior to the making of the order, whichever is the greater.
- (2) A sentence of imprisonment imposed on a person under subsection (1) shall commence on the expiration of any other sentence of imprisonment which that person is liable to serve.
- (3) A certificate issued by the Commissioner stating the amount of remission of sentence earned by a person while he was a prisoner under section one hundred and nine immediately prior to the making of the compulsory after care order made in respect of him shall be conclusive evidence of its contents.
- (4) Upon the conviction of a person of an offence against subsection (1), the compulsory after care order made in respect of him shall cease to have effect.
- (5) Notwithstanding the provisions of subsection (1) of section one hundred and seventeen, the Commissioner may at any time make a further compulsory after care order in respect of a prisoner where a prior compulsory after care order made in respect of that prisoner has ceased to have effect under subsection (4).

Part XVII – Report on long term prisoners

119. Report on long term prisoners

- (1) The Commissioner shall forward, in accordance with this section, a report on every prisoner who has during the previous month—
 - (a) in the case of prisoners sentenced to be detained during the President's pleasure and those sentenced to imprisonment for life, completed two years' imprisonment from the date of admission, and thereafter at intervals of one year from the date of sentence;
 - (b) in the case of all other prisoners sentenced to imprisonment for a period of or exceeding seven years, completed four years' imprisonment from the date of sentence and at intervals of two years thereafter;
 - (c) completed seven or more years of his sentence and has attained, or is believed to have attained, the age of sixty years.
- (2) Each report shall include—
 - (a) a statement by the officer in charge on the work and conduct of each prisoner; and
 - (b) a statement by the medical officer on the mental and bodily condition of each prisoner, with particular reference to the effect of imprisonment on his health.
- (3) A report in respect of a prisoner detained during the President's pleasure shall be forwarded to the President through the Minister.
- (4) A report in respect of any prisoner other than a prisoner detained during the President's pleasure shall be forwarded to the Minister.

Part XVIII – Prisoners under sentence of death

120. Confinement of condemned prisoners

Every prisoner sentenced to death shall be confined in some safe place within a prison, and, if possible, shall be kept apart from other prisoners and shall be placed under constant observation both by day and by night.

121. Persons who may have access to condemned prisoner

No person other than a prison officer, medical officer, a visiting justice, a minister of religion, or person authorised by the Commissioner shall have access to a prisoner under sentence of death:

Provided that such a prisoner may, with the consent of and subject to any reasonable conditions which may be imposed by the Commissioner or the officer in charge, be visited by his legal advisers and such of his relatives and friends as he may express a wish to see.

122. Attendance at execution by officials

- (1) Executions shall be carried out at such prisons as the Commissioner may specify and shall be attended by the officer in charge and such other prison officers as the Commissioner or officer in charge may direct, and may be attended by the Sheriff or Deputy Sheriff, by a minister of religion and such other persons as the Minister may authorise.
- (2) Executions shall be carried into effect by a public executioner appointed by the Minister and in accordance with instructions issued from time to time by the Commissioner.

- (3) The officer in charge and the public executioner shall make themselves familiar with the instructions issued by the Commissioner and shall satisfy themselves that every precaution is taken to ensure efficiency and despatch and that all appliances are maintained in good condition.
- (4) As soon as may be after a sentence of death has been executed on a prisoner, the medical officer shall examine the body and shall ascertain the fact of death and shall sign a certificate thereof and deliver such certificate to the officer in charge, who shall also sign such certificate and transmit it to the registrar of the court which imposed the sentence.

Part XIX – Visiting justices, official visitors, ministers of religion and prisoners' aid societies

123. Judges may visit prisons

Any Justice of Appeal or Judge may visit and inspect any prison at any time, and, while so doing, may inquire into any complaint or request made by a prisoner.

124. Minister and Ministers in charge of Provinces to be visiting justices

- (1) The Minister and the Deputy Minister shall be visiting justices of all prisons.
- (2) The Minister in charge of a Province shall be a visiting justice of all prisons in his Province.

125. Magistrates to be visiting justices in own areas

Magistrates shall be visiting justices of the prisons situated in the area in which they normally exercise jurisdiction.

126. Powers of visiting justices

Any visiting justice may at any time visit a prison in respect of which he is a visiting justice, and may—

- (a) call for all books, papers and records relating to the management and discipline of the prison;
- (b) visit every part of the prison and see every prisoner in confinement;
- (c) inspect and test the quality and quantity of prisoners' food;
- (d) ascertain, so far as possible, that the standing orders and rules are observed;
- (e) inquire into any complaint or request made by a prisoner; and
- (f) perform such other functions as may be prescribed.

127. Visiting justice to record visit in prescribed book

On completion of each visit, a visiting justice shall enter in a book to be kept for such purpose such remarks, suggestions or recommendations for the information of the Commissioner as he may deem fit.

128. Appointment of official visitors

The Minister may appoint official visitors to any prison.

129. Duties of official visitors

An official visitor shall—

- (a) at least once in every two months visit the prison to which he is appointed between such hours as may be prescribed;

- (b) visit all parts of the prison and see every prisoner in confinement, save that women official visitors may visit only those parts of each prison set aside for the detention of women prisoners;
- (c) inspect and test the quality and quantity of prisoners' food;
- (d) ascertain, so far as possible, that the standing orders and rules are observed;
- (e) inquire into any complaint or request made by a prisoner; and
- (f) perform such other functions as may be prescribed.

130. Official visitors to record visit in prescribed book

On completion of each visit, an official visitor shall enter in a book to be kept for the purpose such remarks, suggestions or recommendations for the information of the Commissioner as he may deem fit.

131. Ministers of religion may visit prison

Ministers of religion, or other accredited representatives of any religious body recognised by the Minister whose visits are approved by the Commissioner may at such hours and in such place as may be prescribed or as the officer in charge may permit—

- (a) be admitted to the prison to visit prisoners who may be desirous of their services; and
- (b) be permitted to hold religious services.

132. Visits of probation officers and representatives of prisoners' aid societies

A probation officer or a representative of a prisoners' aid society who has obtained the written permission of the Commissioner may be admitted to any prison at times to be arranged by the officer in charge.

Part XX – Youth corrective centres

133. Establishment of youth corrective centres

- (1) The Minister may, by *Gazette* notice, declare any building, enclosure or place, or any part thereof, to be a youth corrective centre for the purposes of this Act, and may, in like manner, declare that any youth corrective centre shall cease to be a youth corrective centre for the purposes of this Act.
- (2) No prisoner other than a person sentenced to corrective training in a youth corrective centre under section one hundred and thirty-four shall be detained in such centre.
- (3) Subject to the provisions of subsection (2), every youth corrective centre shall be deemed to be a prison for the purposes of this Act.

134. Corrective training may be ordered in certain circumstances

- (1) Notwithstanding the provisions of any other written law, where a person who has attained the age of sixteen years but has not attained the apparent age of twenty-one years, is found guilty or convicted of an offence not punishable with death, the court may order or sentence such person to undergo corrective training in a youth corrective centre for a period of six months:

Provided that—

- (i) no person shall be ordered or sentenced to undergo corrective training in a youth corrective centre—
 - (a) if he has previously been detained in prison, an approved school or a reformatory; or

- (b) if he has previously been sentenced to undergo corrective training at a youth corrective centre;
 - (ii) no person shall be ordered or sentenced to undergo corrective training in a youth corrective centre unless the Commissioner has confirmed that accommodation for that person is available in a youth corrective centre.
- (2) Every person ordered or sentenced to undergo corrective training in a youth corrective centre shall be deemed to be a prisoner for the purposes of this Act, including remission of sentence.

Part XXI – Extra-mural penal employment

135. Extra-mural penal employment may be ordered in lieu of imprisonment

- (1) Where in any declared area a male prisoner is—
- (a) sentenced to imprisonment for a period not exceeding three months; or
 - (b) committed to imprisonment for non-payment of any fine, compensation, costs or other sum adjudged to be paid under any written law;
- the court so sentencing or committing that person may, with his consent, order that he shall perform public work, in accordance with this Part, outside a prison for the duration of such imprisonment.
- (2) Upon making an order under subsection (1), the court shall order the person in respect of whom the order is made to report forthwith to an authorised officer of the District in which it is sitting or to any other specified officer under the control of such authorised officer.
- (3) Any officer to whom a person reports in pursuance of subsection (2) shall notify that person or cause him to be notified of the hours, place, nature and any other necessary details of the public work to be performed by him.
- (4) Any person who, having been ordered to perform public work as aforesaid, is found by a medical officer to be medically unfit to perform the public work shall be removed to prison and shall there undergo the imprisonment to which he is liable, subject nevertheless to a deduction of the number of days, if any, for which he has completed his daily task.
- (5) Any person who has been ordered to perform public work as aforesaid may by industry and good conduct earn a remission of one-third of the term of imprisonment to which he had been sentenced or for which he had been committed:
- Provided that in no case shall any remission granted result in the release of a prisoner until he has served one calendar month.
- (6) If an authorised officer in any District is satisfied that any person in respect of whom an order under this section has been made during the term of imprisonment to which he had been sentenced or for which he had been committed—
- (a) has failed without reasonable cause or excuse to present himself for work at the appointed place and hour; or
 - (b) absents himself without reasonable cause or excuse from his task; or
 - (c) fails to accomplish without reasonable cause or excuse a day's task; or
 - (d) is otherwise found to be unsatisfactory in his conduct;
- he may cause that person to be removed to prison and that person shall there undergo the imprisonment to which he is liable, subject nevertheless to a deduction of the number of days for which he has completed his daily task.

- (7) For the purposes of this section—
- "authorised officer" means a person appointed by the Minister for the purposes of this Part;
- "declared area" means an area declared by the Minister, by *Gazette* notice, to be an area to which this Part shall apply;
- "public work" means work performed in any department of the Government or any service administered by it, or any local authority.
- (8) Any person in respect of whom an order to perform public work is made under subsection (1) and who—
- (a) fails without reasonable cause or excuse to report as ordered under subsection (2); or
 - (b) fails without cause or excuse to present himself for work at the appointed place and hour; or
 - (c) absents himself without reasonable cause or excuse from his task; or
 - (d) fails to accomplish without reasonable cause or excuse a day's task; or
 - (e) is otherwise found by the court to have been unsatisfactory in his conduct;
- shall be guilty of an offence and, notwithstanding that he is undergoing the imprisonment to which he is liable in accordance with subsection (6), shall be liable to a fine not exceeding one thousand and five hundred penalty units or to imprisonment for a period not exceeding six months, or to both.

[As amended by Act [No. 13 of 1994](#)]

Part XXII – Miscellaneous

136. List of prisoners detained to be delivered to High Court

Every officer in charge within the area for which any session of the High Court is held for the trial of criminal cases shall deliver to the High Court at the commencement of each session a list of the unconvicted prisoners then within his prison, and that list shall specify in the case of each such prisoner the date of admission and the authority for detention, and shall deliver also a list of detained witnesses.

137. Rewards for apprehension of escaped prisoners

- (1) The Commissioner may offer rewards to persons who give information leading to the apprehension of prisoners who have escaped from custody and any person giving any such information, whether or not any offer of reward has previously been made, and any person who apprehends, secures, and hands over or causes to be handed over to any officer in charge any prisoner who has escaped may be paid his just and reasonable expenses and in addition, such sum by way of reward as the Commissioner may determine.
- (2) No payment of any sum as a reward shall be made under the authority of this section to any prison officer or police officer unless, in the opinion of the Commissioner, such exceptional circumstances exist as to justify such a payment being made.

138. Rewards and gratuities

- (1) It shall be lawful for the Commissioner, either on his own initiative, or on the recommendation of a Judge or of a magistrate, to grant monetary rewards and gratuities to members of the Service for or in respect of—
 - (a) wounds or injuries suffered on service or otherwise in the course of duty;

- (b) special acts of bravery, such as—
 - (i) saving or attempting to save life;
 - (ii) saving or attempting to save property from loss by fire, theft, or in other circumstances attended by danger:
- (c) valuable intelligence acquired by personal risk, hardship, or unusual skill;
- (d) any other special or meritorious service:

Provided that no monetary reward or gratuity exceeding twenty kwacha shall be granted without the sanction of the Minister.

- (2) All monetary rewards and gratuities that may from time to time be granted under subsection (1) shall be paid from moneys appropriated by Parliament for the purpose.

[As amended by Act [No. 13 of 1994](#)]

139. Commutation of death sentence to sentence of imprisonment

Where the President pardons any person who has been sentenced to death on condition that he serves a period of imprisonment, that person shall be deemed to have been sentenced to such period by the court before which he was convicted.

140. Detention of prisoners from other countries

- (1) Subject to the provisions of any other written law, a person who has been sentenced by a competent court within any country to which the Minister may declare this section to apply may be sent to, imprisoned, and detained in Zambia until the expiration of such sentence, or during such portion thereof as may be deemed necessary, and shall be treated and be subject to the provisions of this Act as if he were undergoing the sentence of a competent court of Zambia.
- (2) A certificate under the hand of the Minister, setting forth that from documents laid before him it appears that the person named in the certificate has been sentenced as described in subsection (1) to the period of imprisonment specified in the certificate, shall be accepted at all times during the continuance of such period as conclusive evidence that such person is lawfully under detention in accordance with the provisions of this section.

141. Removal of prisoners to other countries

- (1) Every person who has been or may hereafter be sentenced to imprisonment by any competent court may, by warrant signed by the Minister, be removed to any country in which he was born or where he normally resided before his entry into the Republic in order that such person may be detained in any prison in such country until the expiration of his sentence or release according to law:

Provided that no person who is a citizen of Zambia shall be removed in accordance with the provisions of this subsection without his consent.

- (2) Any person in course of removal within Zambia under a warrant signed in accordance with the provisions of this section shall be deemed to be in lawful custody.
- (3) Nothing in this Act contained shall prevent the conviction, judgment, finding, order or sentence recorded or made in respect of any person removed in accordance with this section from being questioned in the same manner as if he had not been removed, and the sentence of that person may be remitted and his discharge ordered in the same manner and by the same authority as if he had not been removed.

142. Commissioner may grant permission to be absent from prison

The Commissioner may grant a prisoner permission in writing to be absent from prison for a specified period for personal, family or other reasons if, in the opinion of the Commissioner, the circumstances of the case warrant the granting of permission.

143. Disposal of deceased's estate

The Commissioner shall cause to be kept a personal record of every prison officer, and shall cause to be recorded therein the name or names of the person or persons to whom in the event of the death of such prison officer, without having made a valid will, any money or other personal property should be paid or delivered.

144. Witnesses' expenses

A witness who duly attends at or for the purposes of an inquiry or hearing held under this Act shall be entitled to the same allowances and expenses as a witness who attends criminal proceedings at a subordinate court is entitled under the Criminal Procedure Code:

Provided that this section shall not apply to a prisoner, prison officer or other public officer.

[Cap. 88]

145. Power to prosecute under other law not affected

Nothing in this Act shall exempt any person from being proceeded against under any other Act or law in respect of any offence made punishable by this Act, or from being liable under any other Act or law to any other or higher penalty or punishment than is provided for such offence by this Act:

Provided that no person shall be punished twice for the same offence.

Part XXIII – Rules, repeals and savings

146. Rules

- (1) The Minister may, by statutory instrument, make rules for the better carrying into effect of the provisions and purposes of this Act and, without prejudice to the generality of the foregoing, may make rules providing for—
 - (i) the powers, duties and responsibilities of prison officers and other persons employed in prisons;
 - (ii) the attestation and termination of service of prison officers below the rank of Superintendent;
 - (iii) the powers and duties of medical officers; the medical inspection of prisons and prisoners, and the prevention of contagious diseases in prisons;
 - (iv) the powers and duties of visiting justices, official visitors, ministers of religion and prisoners' aid societies;
 - (v) the construction, description, equipment and supervision of cells for separate confinement and wards;
 - (vi) the classification of prisons and prisoners into categories and their separation accordingly;
 - (vii) the safe custody, management, organisation, hours, mode and kind of labour and employment, clothing, bedding, maintenance, instruction, discipline, segregation, treatment, restraint, correction and training of prisoners;

- (viii) visits to and communications with prisoners;
- (ix) the introduction of a progressive stage system;
- (x) the payment of prisoners in accordance with earning schemes for work done while in prison;
- (xi) the disposal of the products of prison labour;
- (xii) the establishment of a staff welfare fund and the method of administration of the said fund by the Commissioner;
- (xiii) the appointment of officers responsible for the after care and rehabilitation of prisoners;
- (xiv) the responsibility, accounting and safe-keeping of all stores, equipment, and accountments issued to prisons;
- (xv) accounts and accounting procedure;
- (xvi) prohibiting prison officers or visitors or other persons who have access to prisons from divulging to any un-authorized person any information concerning the administration of prisons or the condition, treatment and affairs of prisoners;
- (xvii) the establishment, constitution, functions and procedure of a prison officers' staff association and for matters incidental thereto;
- (xviii) the custody and maintenance, including charges to be paid by a judgment creditor, of persons who may be committed to a prison under the provisions of any law relating to imprisonment for non-payment of debts;
- (xix) the carrying out of any sentence of confinement in a separate cell, or penal or reduced diet, awarded under the provisions of any law;
- (xx) the establishment of such boards as the Minister deems necessary or expedient for any purpose arising under this Act and the powers, rights, privileges and duties of and the procedure to be followed by such boards;
- (xxi) the medical examination, measuring, photographing and taking of fingerprint impressions, footprints and casts thereof, palm prints or other

[Please note: paragraph incomplete in the original.]

- (2) Rules made under the provisions of subsection (1) may prescribe penalties for a contravention thereof, or failure to comply therewith, not exceeding a fine of three thousand penalty units, or in default of payment, imprisonment for a period not exceeding twelve months, or such imprisonment without the option of a fine.
- (3) In exercising the powers conferred upon him by subsection (1), the Minister may restrict the application of any rule to one or more prisons and may apply differing rules in respect of different prisons or classes of prisoners determined by him.
- (4) Different rules may be made under the provisions of paragraph (i) of subsection (1) for different classes of prison officers and other persons employed in prisons.
- (5) For the avoidance of doubt, it is hereby declared that rules may be made under the provisions of paragraph (i) of subsection (1) in relation to persons who, immediately before the commencement of this Act, were prison officers or other persons employed in prisons.

[As amended by Act [No. 13 of 1994](#)]

147. ***

[Has had its effect]

Schedule (Section 9)**Ranks of the service****Senior Officers**

Commissioner of Prisons
Deputy Commissioner of Prisons
Assistant Commissioner of Prisons
Senior Superintendent of Prisons
Senior Technical Officer
Superintendent of Prisons
Quartermaster
Senior Farm Manager
Assistant Superintendent

Junior officers

Chief Officer III
Chief Officer II
Chief Officer I
Cadet Chief Officer
Senior Principal Officer
Matron
Male Nurse
Technical Officer
Junior Technical Officer
Farm Manager
Assistant Farm Manager

Subordinate Officers

Principal Officer
Prison Officer
Recruit Prison Officer

[As amended by S.I. No. 48 of 1974]